

# Mornington Peninsula Planning Scheme

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## PLANNING SCHEME

## MORNINGTON PENINSULA PLANNING SCHEME

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31/07/2018  
VC148

### PURPOSE AND VISION

This section sets out the purpose of this planning scheme and the vision and strategic direction for the municipality.

## MORNINGTON PENINSULA PLANNING SCHEME

01

10/06/2022  
VC216

## PURPOSES OF THIS PLANNING SCHEME

- To provide a clear and consistent framework within which decisions about the use and development of land can be made.
- To express state, regional, local and community expectations for areas and land uses.
- To provide for the implementation of State, regional and local policies affecting land use and development.
- To support responses to climate change.

MORNINGTON PENINSULA PLANNING SCHEME

02

22/07/2021  
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MUNICIPAL PLANNING STRATEGY



## MORNINGTON PENINSULA PLANNING SCHEME

## 02.01

22/07/2021  
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## CONTEXT

The Mornington Peninsula Shire acknowledges the Boon Wurrung/ Bunurong people, the Traditional Custodians of the lands and waters of the Peninsula and pays respect to Elders past, present and emerging.

The Mornington Peninsula is a special place, with a unique relationship to the rest of Melbourne. The Shire is located between Port Phillip Bay and Western Port Bay, approximately 50 kilometres south-east of central Melbourne, and is one of Victoria's most visited destinations for informal recreation.

The Shire has a total area of more than 720 square kilometres, with productive rural areas, scenic landscapes of state significance and a coastline extending more than 190 kilometres. Substantial areas of the Shire, such as the Western Port coast and Mornington Peninsula National Park, are of high conservation value and support sites of national and international significance.

The Peninsula is not a designated urban growth area. The green wedge planning provisions implement a 'green break' to protect the Peninsula from inappropriate metropolitan development and protect areas of environmental, landscape and scenic value. These areas include the Peninsula's biodiversity assets, national and state parks, Ramsar wetlands and coastal areas. In this context, the Peninsula has a different but complementary role to other parts of Melbourne in meeting the overall needs of the community.

The Peninsula retains a distinctive settlement pattern consisting of more than 20 separate settlements within a hierarchy ranging from larger centres to smaller towns and coastal villages. Around 70 per cent of the Shire is rural land within the green wedge planning zone and 30 per cent is taken up by towns and villages. Green wedge policy seeks to consolidate any new residential development into these existing settlements. The settlement pattern, rich history of buildings, places and sites of heritage significance and the relationship between the townships, coast and rural landscape contribute to the Peninsula's distinctive 'sense of place'.

The Mornington Peninsula Shire has a permanent population of approximately 160,000 people (ABS 2016 Census). Many holiday houses are located on the Peninsula leading to a substantial increase in its population during the summer peak period.

The Peninsula has a substantial rural population that is not directly or primarily engaged in traditional agriculture. That is, many properties are used for rural living, generating a further range of issues including fragmentation of rural land into smaller parcels, which leads to pressure on agriculture.

## MORNINGTON PENINSULA PLANNING SCHEME

## 02.02

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## VISION

Council's vision, as underpinned by the Mornington Peninsula Localised Planning Statement is to:

- Value, protect and improve the Peninsula's unique characteristics and its special role that is distinct from and complementary to metropolitan Melbourne.
- Protect the role of the Peninsula as one of Melbourne's greatest assets, characterised by contained townships, a substantial and diverse local economy and areas of national and international significance.
- Protect the Peninsula's landscapes, coastlines, seascapes and rural area, including the scenic values of the green wedge.
- Protect and enhance the experience and enjoyment of the natural and cultural values of the Peninsula.
- Retain the Peninsula's agricultural role with a focus on sustainable agriculture.
- Protect the important values and resources of Western Port, having regard to existing settlements and the importance of recreation, nature conservation and tourism.

## Strategic objectives

The strategic objectives related to land use and development as set out in the Council Plan, are:

- To create thriving, accessible and inclusive places to live, work and visit.
- To protect and enhance the Mornington Peninsula's biodiversity and coastal experience.
- To demonstrate leadership in climate change mitigation and adaptation.
- To facilitate improved mobility and connectivity accessible to all within the Mornington Peninsula.
- To support an integrated transport and connectivity network.
- To facilitate opportunities for job creation and an environment for business to succeed.
- To enhance shoulder season and off-peak visitor experiences that are dispersed throughout the region.
- To help grow key strategic industries, such as the food economy, niche manufacturing and health economy in the Mornington Peninsula.

## MORNINGTON PENINSULA PLANNING SCHEME

## 02.03

22/07/2021  
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## 02.03-1

22/07/2021  
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## STRATEGIC DIRECTIONS

## Settlement

The Peninsula's activity centres hierarchy comprises three Major Activity Centres, i.e. Mornington, Rosebud and Hastings, and the Neighbourhood Activity Centres described in the table below. Anticipated growth is to be accommodated primarily in its three Major Activity Centres while additional limited growth is to be accommodated in its Neighbourhood Activity Centres in accordance with the sub-levels specified in the following table.

Neighbourhood activity centre sub-level	Service population	Leasable floor area (LFA)	Commercial land uses
Large Township Activity Centre: <ul style="list-style-type: none"> <li>Mount Eliza</li> <li>Bentons Square</li> <li>Dromana</li> <li>Rye</li> <li>Somerville</li> </ul>	> 10,000 people (ppl)	10,000 to 25,000 sqm	Typically include: <ul style="list-style-type: none"> <li>A major supermarket (LFA &gt; 2,000 sqm)</li> <li>Office-based services (LFA &gt; 1,000 sqm)</li> <li>Some restricted retail premises (LFA &lt; 1,500 sqm)</li> </ul>
Small Township Activity Centre: <ul style="list-style-type: none"> <li>Mount Martha</li> <li>Martha Cove</li> <li>Sorrento</li> <li>Balnarring</li> </ul>	5,000 to 10,000 ppl	3,000 to 10,000 sqm	Typically include: <ul style="list-style-type: none"> <li>A medium-size supermarket (LFA from 1,000 to 2,000 sqm)</li> <li>Few office-based services</li> <li>No restricted retail premises</li> </ul>
Local Activity Centre: <ul style="list-style-type: none"> <li>McCrae</li> <li>Capel Sound</li> <li>Blairgowrie</li> <li>Portsea</li> <li>Baxter</li> <li>Tyabb</li> <li>Bittern</li> <li>Crib Point</li> <li>Red Hill South</li> <li>Flinders</li> </ul>	2,500 to 5,000 ppl	1,000 to 3,000 sqm	Typically include: <ul style="list-style-type: none"> <li>A small supermarket (LFA &lt; 1,000 sqm)</li> <li>Few office-based services</li> <li>No restricted retail premises</li> </ul>
Convenience Centre: <ul style="list-style-type: none"> <li>Humphries Road, Mount Martha</li> <li>Mountain View Road, Mount Eliza</li> <li>Beleura Hill Road, Mornington</li> <li>Robertson Drive, Mornington</li> <li>Wilsons Road, Mornington</li> <li>Dava Drive, Mornington</li> <li>Walara Drive, Mount Martha</li> <li>Boundary Road, Dromana</li> </ul>	< 2,500 ppl	< 1,000 sqm	Typically include: <ul style="list-style-type: none"> <li>A convenience shop</li> <li>A general store</li> <li>Some other retail premises</li> <li>No office-based services</li> <li>No restricted retail premises</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

Neighbourhood activity centre sub-level	Service population	Leasable floor area (LFA)	Commercial land uses
<ul style="list-style-type: none"> <li>▪ Beverley Street, McCrae</li> <li>▪ Old Cape Schanck Road, Rosebud</li> <li>▪ Illaroo Street, Capel Sound</li> <li>▪ Carmichael Street, Tootgarook</li> <li>▪ Dundas Street, Rye</li> <li>▪ Disney Street, Crib Point</li> </ul>			

Directing growth to these centres close to services and facilities prevents dispersed population growth throughout the Peninsula's rural area and thereby protects the unique characteristics of small coastal townships and rural villages as well as areas of environmental landscape, agricultural or recreational significance including the 'greenbreak' between the Peninsula and metropolitan Melbourne. Directing growth to these centres also supports the need to increase housing diversity.

Council's strategic directions for 'Settlement' are to:

- Direct growth primarily to major activity centres and the remainder to neighbourhood activity centres.
- Strengthen the hierarchy of activity centres while having regard to their individual character and functions, their relationships to each other and to adjacent rural, coastal and port development areas.
- Concentrate commercial and non-commercial services in activity centres to serve the needs of the community visitors and tourists, commensurate with the role and function of that activity centre in the activity centre hierarchy on the Mornington Peninsula.
- Protect the distinctive sense of place of the Mornington Major Activity Centre, its low-scale village ambience and seaside atmosphere, its heritage values and its focus on Main Street.
- Strengthen the Rosebud Major Activity Centre as a regional visitor destination, with a focus on its low-scale coastal ambience, its integral connection with the foreshore and its backdrop of Arthurs Seat.
- Strengthen the Hastings Major Activity Centre as a regional visitor destination, with a focus on its coastal ambience, its integral connection with Western Port Ramsa Wetland and its scenic backdrop of Western Port Bay.
- Protect the unique character and functions of the small coastal townships and rural villages, and maintain their compact form and amenity.
- Avoid out-of-centre development and the creation of new activity centres.
- Protect green wedge land, maintain the Urban Growth Boundary and protect the 'greenbreak' between the Peninsula and metropolitan Melbourne.
- Maintain rural areas for their environmental, landscape, recreational and agricultural values, and minimise development that could have an adverse impact on these values on land located in the Green Wedge Zone or Farming Zone.
- Maintain separation between port development areas and activity centres as identified in the Strategic Framework Plan under Clause 02.04.
- Encourage greater housing diversity in established areas.

## MORNINGTON PENINSULA PLANNING SCHEME

## 02.03-2

22/07/2021  
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## Environmental and landscape values

The Mornington Peninsula is an area of great environmental and landscape diversity that owes its special conservation value to the following features:

- Natural areas of regional, state, national and international significance located on the Peninsula and adjoining marine areas. These areas combine to form the Peninsula's 'greenspine', which includes the parks and coastal reserves on Western Port Bay, Port Phillip Bay, Mornington Peninsula National Park and Arthurs Seat State Park.
- Significant natural reserves on Commonwealth lands at HMAS Cerberus and Point Nepean, as well as the major Devilbend Natural Features Reserve which incorporates conservation and recreation functions.
- The Western Port Ramsar Wetland, which is protected under the Ramsar Convention on Wetlands and nominated under the international treaties of JAMBA and CAMBA for the protection of migratory bird habitats, and Tootgarook Wetland, which is the largest groundwater-dependent ecosystem and freshwater marsh in the region.
- Strategically important habitat linkages along streamlines, road reserves and the coastal fringe.
- Landscapes that include a combination of natural and cultural elements and support both local native vegetation and introduced species.

Environmental and landscape values are important, considering the Peninsula is a key recreation area that meets both local and metropolitan needs. The significant number of informal recreational visitors, which the Peninsula attracts each year, is a major contributor to the local economy and the basis of a sustainable tourism industry.

While the Port Phillip foreshore is capable of sustaining recreation activities for large numbers of people, the Western Port and Bass Strait are more fragile environments with greater sensitivity to land use and development.

Council's strategic directions for 'Environmental and landscape values' are to:

- Maintain the Peninsula's 'greenspine', which includes Point Nepean National Park, Mornington Peninsula National Park and Arthurs Seat State Park.
- Maintain the rural character of land adjoining main roads and tourist routes ensuring the ongoing visual amenity and recreational value of the outlook from these roads.
- Protect coastal and foreshore areas as major tourism and recreation resources from overuse to avoid environmental degradation and loss of natural and cultural values.
- Protect and conserve habitat areas and linking corridors to encourage wildlife survival.
- Maintain the integrity of strategic landscapes between and around the Peninsula's townships.
- Support outdoor and unstructured recreation that are associated with rural pursuit of the land or coastal environments in their natural state.
- Support the extension of the regional open space network, including the Two Bays Trail and the Port Phillip Coastal Bay Trail.

## 02.03-3

22/07/2021  
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## Environmental risks and amenity

The Peninsula faces a number of environmental issues such as the loss and degradation of native vegetation, pest plant and animal infestation, lowered habitat capacity, pollution of streams and aquifers, erosion and mass wasting of slopes and damage to scientific and historic sites.

While most areas of the Peninsula are physically stable areas west of the Selwyn Fault (the Nepean Peninsula) and some localised areas are prone to erosion and instability. The beach, dune, cliff and intertidal areas are particularly sensitive to human interference.

## MORNINGTON PENINSULA PLANNING SCHEME

Of particular concern is the bed and bank erosion of Ballar Creek; the land slopes along the creek are susceptible to instability if disturbed by earthworks, which need to be carefully managed.

Council's strategic directions for 'Environmental risks and amenity' are to:

- Protect the unique environmental and landscape values of the Peninsula.
- Preserve the stability of land by avoiding development in areas prone to erosion.

## 02.03-4

22/07/2021  
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## Natural resource management

A mild climate, high and well-distributed rainfall, good soils and ready access to markets combine to make the Peninsula a major farming area.

Agriculture will continue to play an integral role on the Peninsula forming part of the economic base, providing for sustainable land management and adding value to recreational experiences. The local agricultural industry relies on maintaining areas with a low population density and providing a separation between incompatible uses, such as townships and port development areas.

The existing pattern of subdivision in the Peninsula's rural areas presents a challenge to continued agricultural land use. Further fragmentation of rural land and increasing population in rural areas would undermine viable farming practices and destabilise the land market. This in turn would reduce confidence of investment in land management and further fuel pressure for the conversion of rural land to hobby farms and rural residential subdivisions. While there are opportunities for value-adding industries to operate in conjunction with agricultural activities, the use of rural land for industry should only occur where the industry is directly related to, or supports, agricultural production in the area.

Broiler farms are a concerning issue on the Peninsula. Although it is an important economic activity, the scale of the buildings, the practices associated with farm operations such as night-time collections, and variations in odour emissions conflict with landscape objectives and the amenity expectations of rural residents.

The development of extractive industries must consider the landscape protection and conservation objectives of this scheme.

Council's strategic directions for 'Natural resource management' are to:

- Ensure the intensity of subdivision, land use and development in rural areas is consistent with sustainable agricultural land use and the protection of the natural attributes of the landscape.
- Consolidate broiler chicken farms in areas where this form of use and development is already well established.
- Ensure the staging of development by extractive industries and subsequent rehabilitation provide maximum protection for every value and significant aspect of the surrounding area.

## 02.03-5

22/07/2021  
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## Built environment and heritage

Mornington Peninsula's sense of place is reinforced by the distinctive built-form character of its residential areas. This distinctiveness arises from:

- The relationship between the settlement and its environmental setting.
- The balance between natural features and built form that in many areas has produced a definite local character where the open space, landform and landscape provide a dominant setting for the built form.
- The influence of heritage sites, gardens and precincts such as the Peninsula's rich history of buildings, places and sites of heritage significance contained in many of its townships that include the Ranelagh Estate in Mount Eliza and the Sorrento Historic Precinct.

## MORNINGTON PENINSULA PLANNING SCHEME

- The cultural significance of heritage places, heritage buildings, structures and gardens such as places, sites and objects of Aboriginal cultural significance.
- Well-established subdivision and development patterns where the ability to retain a bushland, woodland or coastal setting is often dependent on maintaining larger lot sizes with minimal site coverage.

Council's strategic directions for 'Built environment and heritage' are to:

- Ensure the location, design and construction of buildings and works are compatible with the built form and landscape character of the surrounding area.
- Conserve sites and locations of heritage significance relating to both Aboriginal and European heritage.

## 02.03-6

22/07/2021  
C279morn

## Economic development

The Peninsula's economy is very diverse; around 75 per cent of total employment is occupied by the local workforce (ABS 2016 Census). Employment on the Peninsula is dominated by three industry sectors, i.e. construction, healthcare and social assistance, and retail trade; these three industries together generate over one-third of the Peninsula's total employment. Other important sectors include education and training, manufacturing and accommodation and food services.

Victoria's largest bulk liquid cargo port is the Port of Hastings. In addition, a number of smaller operations are either engaged in port-related activities or dedicated to servicing other port industries.

Agricultural activities occupy the majority of the Peninsula's rural areas. Activities such as horticulture, viticulture, market gardening and poultry farming are significant rural industries on the Peninsula. In particular, vineyards and wineries continue to contribute significantly to the marketing of the region as a recreation destination with a range of all-season attractions.

The recreational role of the Peninsula requires the provision of supporting facilities, which add value to the region's natural resources and assets, enrich the experience for visitors and provide benefits to the local economy.

The Peninsula has a substantial supply of industrial land. Nonetheless, there is a shortage of lots larger than 2,000 square metres. It is necessary to prevent the subdivision of remaining industrial land to maintain a supply of larger development sites.

Council's strategic directions for 'Economic development' are to:

- Facilitate the expansion of existing industries and support new industries that provide services to the Peninsula community, contribute to the local employment base and are compatible with the Peninsula's character and environment and the amenity of the local area.
- Support larger industrial lot sizes to provide opportunities for a wider range of manufacturing activities.
- Maintain the long-term recreational role of the Peninsula which underpins the tourism sector to support the local economy.
- Support businesses that improve the ability to experience the Peninsula's natural and cultural recreational values, such as the provision of short-term and home-hosted accommodation, host farms and similar uses.

## 02.03-7

22/07/2021  
C279morn

## Transport

The Mornington Peninsula is connected to Melbourne by a network of major roads and freeways, such as Nepean Highway, Moorooduc Highway, Peninsula Link, Mornington Peninsula Freeway, Western Port Highway, Coolart Road and Frankston-Flinders Road. In addition to these north-south linkages, there is also a network of cross-Peninsula roads, such as Bungower Road and Mornington-Tyabb Road. These roads combine to form the primary movement system on the Peninsula which will continue to rely heavily on private transport into the foreseeable future.

## MORNINGTON PENINSULA PLANNING SCHEME

A secondary network of roads serves the Peninsula hinterland and acts as an important recreation resource. These links, such as Bittern-Dromana Road, Red Hill-Shoreham Road, Mornington-Flinders Road, Boneo Road, Browns Road and Old Melbourne Road, are used by cross-Peninsula traffic, local people accessing their properties and recreation travellers engaged in sightseeing and other leisure pursuits. A network of pedestrian and bicycle paths also provide recreation opportunities and support movement in local areas.

The Peninsula's passenger and commercial rail system is serviced by a non-electrified line between Frankston and Stony Point. It carries a passenger shuttle service along with freight traffic associated with BlueScope in Hastings.

Buses are the principal mode of public transport serving Peninsula residents. These operate primarily on north-south routes and connect with Frankston. While subsidised school and community bus services operate throughout the Peninsula, the dispersed pattern of development and seasonal occupancy rates of coastal townships with a high volume of holiday homes limit the establishment of a more extensive bus service.

The Tyabb airfield has been in operation for many years providing recreational flying.

The Port of Hastings makes an important contribution to the Victorian economy and has several competitive advantages such as:

- Shorter shipping times than the Port of Melbourne.
- Sheltered anchorage and Victoria's deepest port channel that requires minimal maintenance dredging.
- Readily developed and accessible infrastructure including pipelines.
- Four jetty complexes, i.e. Crib Point Oil Terminal Jetty, Long Island Point Pier, BlueScope Wharf, and Stony Point Port Services Complex.
- Three major industries associated with the port, i.e. BlueScope ExxonMobil Gas Fractionation Plant, and United Petroleum Storage and Distribution Facility.
- Major road links to Melbourne's existing industrial and manufacturing centres.

Considering these factors, planning for Western Port has been directed towards maintaining long-term port potential.

Western Port Bay is also an area of environmental significance and sensitivity. Planning for this area must balance the pursuit of economic advantages with the protection of the environment.

In addition to the major deep-water port facilities in the Western Port area, there are many local boating facilities; the major ones are at Mornington, Hastings, Sorrento and Crib Point. Vehicle and passenger ferry services operate between Sorrento Portsea and Queenscliff across Port Phillip Bay and passenger ferry services operate between Crib Point, French Island and Phillip Island across Western Port Bay.

Council's strategic directions for 'Transport are to:

- Ensure development does not impede the safe and efficient movement of traffic along highways, main roads and tourist routes in the municipality.
- Protect the long-term value of Western Port for port and industrial purposes that benefit from proximity to natural deep-water channels.
- Ensure port and port-related development does not adversely affect the ecosystem and recreational value of Western Port Bay.

02.03-8

22/07/2021  
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## Infrastructure

The Mornington Peninsula faces several challenges in relation to sewerage and drainage infrastructure.



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Although most areas now have access to reticulated sewerage, there are still a significant number of properties that are not connected, which present an ongoing risk of pollution to inland surface waters, beaches and groundwater, particularly on the Nepean Peninsula.

In addition, the drainage systems in many parts of the Peninsula have local capacity limits, while major regional drainage systems depend on natural water courses and streamlines, with subsequent pressure on their environmental values.

Council's strategic directions for 'Infrastructure' are to:

- Ensure development does not adversely impact on the regional drainage function of waterways, drains, retarding basins and floodplains.
- Ensure major development in new areas is connected to reticulated sewerage.
- Ensure development does not contribute to the pollution of groundwater or surface waters.
- Ensure developments designed to protect the environment from polluting discharges and activities.

## MORNINGTON PENINSULA PLANNING SCHEME

02.04

22/07/2021  
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## STRATEGIC FRAMEWORK PLAN

The plan contained in Clause 02.04 is to be read in conjunction with the strategic directions in Clause 02.03.

Mornington Peninsula strategic framework plan



MORNINGTON PENINSULA PLANNING SCHEME

10  
31/07/2018  
VC148

PLANNING POLICY FRAMEWORK

## MORNINGTON PENINSULA PLANNING SCHEME

11

10/06/2022  
VC216

## SETTLEMENT

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- Health, wellbeing and safety
- Diversity of choice.
- Adaptation in response to changing technology
- Economic viability.
- A high standard of environmental sustainability, urban design and amenity
- Climate change adaptation and mitigation.
- Prevention of land, water, air and noise pollution.
- Protecting, conserving and improving biodiversity, waterways and other natural resources.
- Accessibility
- Land use and transport integration.
- Waste minimisation and resource recovery

Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

MORNINGTON PENINSULA PLANNING SCHEME

11.01  
31/07/2018  
VC148

VICTORIA

## MORNINGTON PENINSULA PLANNING SCHEME

## 11.01-1S

10/06/2022  
VC216

## Settlement

## Objective

To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

## Strategies

Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.

Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries.

Provide for growth in population and development of facilities and services across a regional or sub-regional network.

Plan for development and investment opportunities along existing and planned transport infrastructure.

Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.

Strengthen transport links on national networks for the movement of commodities.

Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable.

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
- Developing settlements that will support resilient communities and their ability to adapt and change.
- Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
- Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
- Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.
- Providing for appropriately located supplies of residential, commercial and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
- Improving transport network connections in and between regional cities, towns and Melbourne.
- Integrating the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes.

## MORNINGTON PENINSULA PLANNING SCHEME

- Minimising exposure to natural hazards including increased risks due to climate change.
- Contributing to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design.

Encourage form and density of settlements that support healthy active and sustainable transport.

Limit urban sprawl and direct growth into existing settlements.

Promote and capitalise on opportunities for urban renewal and infill redevelopment.

Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Ensure retail, office-based employment, community facilities and services are concentrated in central locations.

Ensure land that may be required for future urban expansion is not compromised.

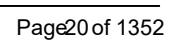
Support metropolitan and regional climate change adaptation and mitigation measures.

Policy documents

Consider as relevant:

- Central Highlands Regional Growth Plan (Victorian Government 2014)
- G21 Regional Growth Plan (Geelong Region Alliance, 2013)
- Gippsland Regional Growth Plan (Victorian Government 2014)
- Great South Coast Regional Growth Plan (Victorian Government 2014)
- Hume Regional Growth Plan (Victorian Government 2014)
- Loddon Mallee North Regional Growth Plan (Victorian Government 2014)
- Loddon Mallee South Regional Growth Plan (Victorian Government 2014)
- Wimmera Southern Mallee Regional Growth Plan (Victorian Government 2014)
- Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017)
- Plan Melbourne 2017-2050: Addendum 2019 (Department of Environment, Land, Water and Planning, 2019)

## Victoria Settlement Framework





## MORNINGTON PENINSULA PLANNING SCHEME

## 11.01-1R

11/02/2020  
VC168

## Settlement - Metropolitan Melbourne

## Strategies

Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land.

Focus investment and growth in places of state significance, including:

- Metropolitan Melbourne Central City.
- National Employment and Innovation Clusters.
- Metropolitan Activity Centres.
- State-Significant Industrial Precincts.
- Transport Gateways.
- Health and Education Precincts.
- Major Urban-Renewal Precincts.

Develop the Suburban Rail Loop through Melbourne's middle suburbs to facilitate substantial growth and change in major employment, health and education precincts and activity centres beyond the central city at an appropriate scale to address the needs of Melbourne's rapidly growing population.

Develop a network of activity centres linked by transport, consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.

Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.

# MORNINGTON PENINSULA PLANNING SCHEME

Melbourne 2050 spatial framework



## MORNINGTON PENINSULA PLANNING SCHEME

11.01-1R

31/07/2018  
VC148

Green wedges - Metropolitan Melbourne

## Objective

To protect the green wedges of Metropolitan Melbourne from inappropriate development.

## Strategies

Promote and encourage the key features and related values of each green wedge area.

Support development in the green wedge that provides for environmental, economic and social benefits.

Consolidate new residential development in existing settlements and in locations where planned services are available and green wedge values are protected.

Plan and protect major state infrastructure and resource assets such as airports and ports with their associated access corridors, water supply dams, water catchments and waste management and recycling facilities.

Protect important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.

Support existing and potential agribusiness activities, forestry, food production and tourism.

Protect areas of environmental landscape and scenic values such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas.

Protect significant resources of stone, sand and other mineral resources for extraction purposes.

Provide opportunities for renewable energy generation.

## Policy documents

Consider as relevant:

- Upper Yarra Valley and Dandenong Ranges Region- Regional Strategy Plan (1996)

## MORNINGTON PENINSULA PLANNING SCHEME

### 11.01-1L-01 Settlement - Mornington Peninsula

22/07/2021  
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#### Strategies

Maintain the existing transition area of lower density residential development to non-urban areas.

Maintain the existing inter-urban break between settlements and its environmental and landscape values.

## MORNINGTON PENINSULA PLANNING SCHEME

## 11.01-1L-02 Green wedges - Mornington Peninsula

22/07/2021  
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## Policy application

This policy applies to non-residential zone land outside the Urban Growth Boundary

## Strategies

Ensure recreation facilities limit adverse environmental and landscape impacts.

Support group accommodation or commercial use and development as part of a recreation facility only where the recreational elements are of overriding state significance and remain the dominant elements of the use and development.

Ensure a realignment of boundaries does not create any additional subdivision potential.

Ensure any proposed realignment of boundaries does not diminish the existing or potential future rural use of the land due to the fragmentation of larger lots into smaller parcels.

## Policy guidelines

Consider as relevant:

- A maximum site area covered by buildings and works associated with a recreational use of 10 per cent.
- Limiting the group accommodation component of a recreation facility to:
  - A density of no more than one dwelling for every 8 hectares of the site area.
  - Occupy no more than 10 per cent of the site area.
- Where larger lots exist that are at least the minimum lot area specified in a schedule to the Green Wedge Zone or Farming Zone, a realignment of boundaries should not decrease the area of the larger lot by more than five per cent.

MORNINGTON PENINSULA PLANNING SCHEME

11.02  
31/07/2018  
VC148

MANAGING GROWTH

## MORNINGTON PENINSULA PLANNING SCHEME

11.02-1S

03/03/2023  
VC215

## Supply of urban land

## Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

## Strategies

Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

Monitor development trends and land supply and demand for housing and industry

Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry

Restrict rural residential development that would compromise future development at higher densities.

## Policy guidelines

Consider as relevant:

- Victorian Government population projections and land supply estimates.

## Policy documents

Consider as relevant:

- Melbourne Industrial and Commercial Land Use Plan (Department of Environment, Land, Water and Planning, 2020)

## MORNINGTON PENINSULA PLANNING SCHEME

11.02-2S

10/06/2022  
VC216

## Structure planning

## Objective

To facilitate the fair, orderly, economic and sustainable use and development of urban areas.

## Strategies

Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Undertake comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation.

Undertake the preparation of a hierarchy of structure plans or precinct structure plans that:

- Address the strategic and physical context of the location, including increased physical risks associated with climate change.
- Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.
- Provide for the development of sustainable and liveable urban areas in an integrated manner informed by the 17 United Nations Sustainable Development Goals as relevant.
- Protect and enhance areas of natural and cultural significance.
- Assist the development of walkable neighbourhoods.
- Facilitate the use of active and sustainable transport modes.
- Facilitate the logical and efficient provision of infrastructure.
- Facilitate the use of existing infrastructure and services.
- Encourage renewable energy generation, storage and distribution.
- Incorporate integrated water management and urban greening.

## Policy document

Consider as relevant:

- Precinct Structure Planning Guidelines (Victorian Planning Authority, 2021).



## MORNINGTON PENINSULA PLANNING SCHEME

11.02-3S

04/05/2022  
VC210

## Sequencing of development

## Objective

To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

## Strategies

Define preferred development sequence in areas of growth to better coordinate infrastructure planning and funding.

Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.

Require new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads.

Improve the coordination and timing of infrastructure and service delivery in areas of growth.

Support opportunities to co-locate facilities.

Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth.

## Policy documents

Consider as relevant:

- Any applicable Growth Area Framework Plans (Department of Sustainability and Environment, 2006)
- Precinct Structure Planning Guidelines (Victorian Planning Authority, 2021)
- Ministerial Direction No. 12 – Urban Growth Areas

MORNINGTON PENINSULA PLANNING SCHEME

11.03

31/07/2018  
VC148

PLANNING FOR PLACES

## MORNINGTON PENINSULA PLANNING SCHEME

## 11.03-1S

03/02/2022  
VC199

## Activity centres

## Objective

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community

## Strategies

Build up activity centres as a focus for high-quality development activity and living by developing a network of activity centres that:

- Comprise a range of centres that differ in size and function.
- Is a focus for business shopping, working, leisure and community facilities.
- Provides different types of housing, including forms of higher density housing.
- Is connected by transport.
- Maximises choices in services, employment and social interaction.

Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.

Undertake strategic planning for the use and development of land in and around activity centres.

Give clear direction on preferred locations for investment.

Encourage a diversity of housing types at higher densities in and around activity centres.

Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.

Improve access by walking, cycling and public transport to services and facilities.

Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.

Encourage economic activity and business synergies.

Improve the social, economic and environmental performance and amenity of activity centres.

## Policy documents

Consider as relevant:

- Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)
- Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2021)
- Precinct Structure Planning Guidelines (Victorian Planning Authority, 2021)

## MORNINGTON PENINSULA PLANNING SCHEME

11.03-1R

31/07/2018  
VC148

Activity centres - Metropolitan Melbourne

## Strategies

Support the development and growth of Metropolitan Activity Centres by ensuring they:

- Are able to accommodate significant growth for a broad range of land uses.
- Are supported with appropriate infrastructure.
- Are hubs for public transport services.
- Offer good connectivity for a regional catchment.
- Provide high levels of amenity

Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.

Locate new small scale education, health and community facilities that meet local needs in or around Neighbourhood Activity Centres.

Ensure Neighbourhood Activity Centres are located within convenient walking distance in the design of new subdivisions.

## MORNINGTON PENINSULA PLANNING SCHEME

## 11.03-1L-01 Activity centres - Mornington Peninsula

07/07/2022  
C275morn

## Policy application

This policy applies to land in the Commercial1 Zone, Commercial2 Zone or Mixed Use Zone.

## Strategies

Encourage additional retail premises (except restricted retail premises) service stations and office developments to locate in Major Activity Centres and Large Township Activity Centres identified in the activity centres hierarchy set out in Clause 02.03-1.

Ensure the extent of additional retail or commercial floor area in an activity centre is commensurate with its role and function, as specified in the hierarchy in Clause 02.03-1.

Limit the growth of retail and office development in Small Township Activity Centres and Local Activity Centres.

Avoid material extension of Convenience Centres.

Facilitate the provision of additional restricted retail floor space in bulky goods clusters on the edge of townships that have major activity centres.

Encourage restricted retail premises to locate in clusters on the periphery of Major Activity Centres.

Avoid locating retail, restricted retail, service station and office developments in out-of-centre residential, industrial and non-urban locations.

Maintain a continuous retail frontage and provide continuous weather protection along footpaths to ensure commercial development contributes to pedestrian amenity and safety.

Avoid development with crossovers or blank walls that detract from pedestrian routes in core retail areas.

Encourage the development of land in activity centres with a foreshore reserve to incorporate building and landscape elements that contribute to the visual, recreational and environmental qualities of that reserve.

## Policy guidelines

## Consider as relevant:

- Except for land in the Commercial1 Zone and Mixed Use Zone that are located in the Major Activity Centres of Mornington, Hastings and Rosebud as well as the Large Township Activity Centres of Dromana, Rye and Somerville, and Local Activity Centres of Baxter, development proposals should accord with the following activity centre design standards:
  - For development in the Commercial1 Zone, provide a landscaped open space or pedestrian precinct area that consists of:
    - At least 15 per cent of the site area.
    - If adjacent to residentially-zoned land, an additional landscaped area with a minimum dimension of 3 metres along the boundary of the adjacent residentially-zoned land (not being a road). The width of the landscaped buffer strip should be increased to 5 metres where the developments include industrial land uses.
  - Design development to have a maximum building height of 8 metres or as specified in an adopted local centre plan.
  - Design buildings to be setback from the property frontage in accordance with existing building lines.
  - For isolated development sites, locate car parking at the frontage of the property.
  - For the development of land in the Commercial1 Zone that adjoins a Transport Zone 2 or Transport Zone 3, encourage a minimum front setback of 15 metres.

MORNINGTON PENINSULA PLANNING SCHEME

- Setback developments a minimum of 5 metres from residentially-zoned land.

## MORNINGTON PENINSULA PLANNING SCHEME

## 11.03-1L-02 Mornington activity centre

22/07/2021  
C279morn

## Policy application

This policy applies to use and development in the Mornington Activity Centre Policy Areas as shown on Map 1 to this clause.

## Strategies

Support uses that contribute to the land use of the relevant policy area as specified on Map 1.

For land in the Retail Core policy area as shown on Map 1:

- Support mixed-use buildings that include retail/commercial uses at ground level, commercial/residential uses at the second storey and residential uses for upper storeys in the area bounded by the Ring Road as shown on Map 2.
- Encourage active frontages along Octavia Street.

For land in the Main Street Central precinct as shown on Map 2:

- Promote Main Street as the central activities spine, on which all other activity and development is focused.
- Ensure uses along key pedestrian links have active retail and commercial frontages at ground level and passive frontages at upper levels.
- Support residential development including shop-top housing, that contributes to housing diversity in the centre and is compatible with retail, commercial and entertainment uses.

For land in the West Central precinct as shown on Map 2:

- Facilitate predominantly apartment style residential development with basement parking, designed around new public squares on land currently used for at-grade car parking.
- Facilitate retail activity at ground level around a public square in Empire Street to extend and reinforce Empire Mall as part of an east-west pedestrian link.
- Reinforce the east-west pedestrian link at Albert Street between Main Street and Waterloo Place, together with a public square surrounded by residential development.
- Achieve a north-south pedestrian link, connecting Empire Street to the Esplanade via Tasma Lane.
- Provide a gateway park.
- Facilitate additional and replacement car parking in a multi-deck facility that is integrated in the overall design of a mixed-use development.

For land in the South West precinct as shown on Map 2:

- Facilitate a major expansion of retail floor space to accommodate uses such as a major retail store, on land currently used for at-grade car parking.
- Facilitate a layout for the precinct that comprises major retail attractors and smaller retailers, set around a 'markets square'.
- Encourage the 'markets square' to accommodate a wide range of retail, commercial and public activities.
- Ensure a pedestrian link between the 'markets square' and Main Street.
- Facilitate additional and replacement car parking east of ring road in a multi-deck facility that is integrated in the overall design of a mixed-use development.

For land in the East Central precinct as shown on Map 2:

## MORNINGTON PENINSULA PLANNING SCHEME

- Promote retail development whilst making use of additional residential development opportunities on land currently used for at-grade car parking.
- Encourage a pedestrian connection between Mornington Centre and Main Street, with retail uses and active frontages on both sides.
- Encourage a public square at Blake Street, surrounded by active retail frontages.
- Facilitate additional and replacement car parking in a multi-deck facility that is integrated in the overall design of a mixed-use development.

For land in the East precinct as shown on Map 2:

- Facilitate predominantly apartment style residential development with basement parking.
- Provide a gateway park.
- Provide pedestrian linkage to Main Street.
- Ensure development has appropriate interfaces with adjacent residential land and the Mornington Primary School.
- Ensure development includes a north-south shared pathway (Bay Trail).

For land in the South East precinct as shown on Map 2:

- Facilitate predominantly apartment style residential development with basement parking, on land currently used for at-grade car parking.
- Encourage residential development to face the ring road and provide a landscaped interface with Blamey Place.
- Support retail and commercial development in and facing Barkly Street.
- Provide pedestrian linkage to Main Street.
- Facilitate additional and replacement car parking in a multi-deck facility that is integrated in the overall design of a mixed-use development.

Policy document

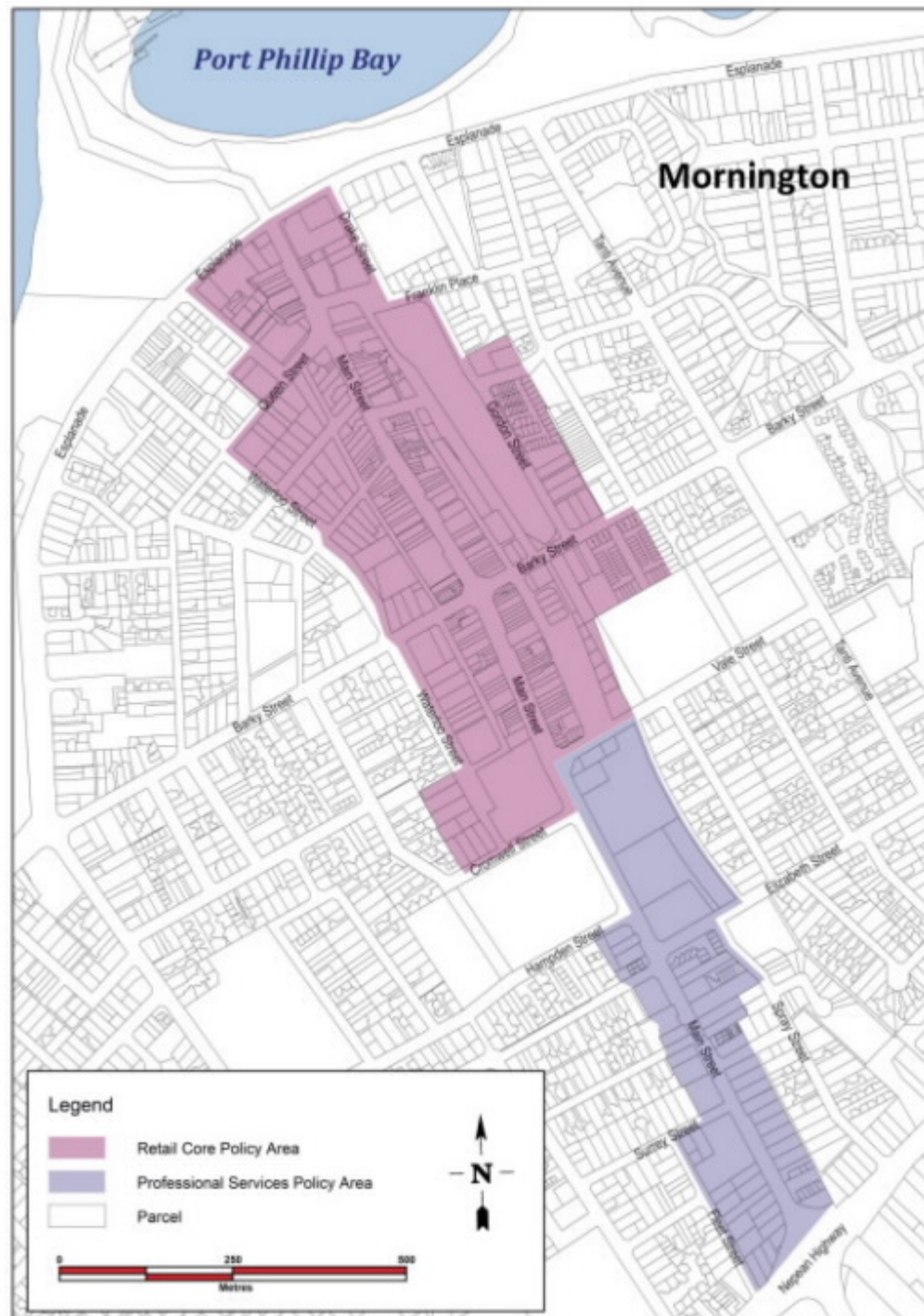
Considered relevant:

- Mornington Activity Centre Structure Plan: A Plan for a Coastal Town (Ratio Consultants, 2007)



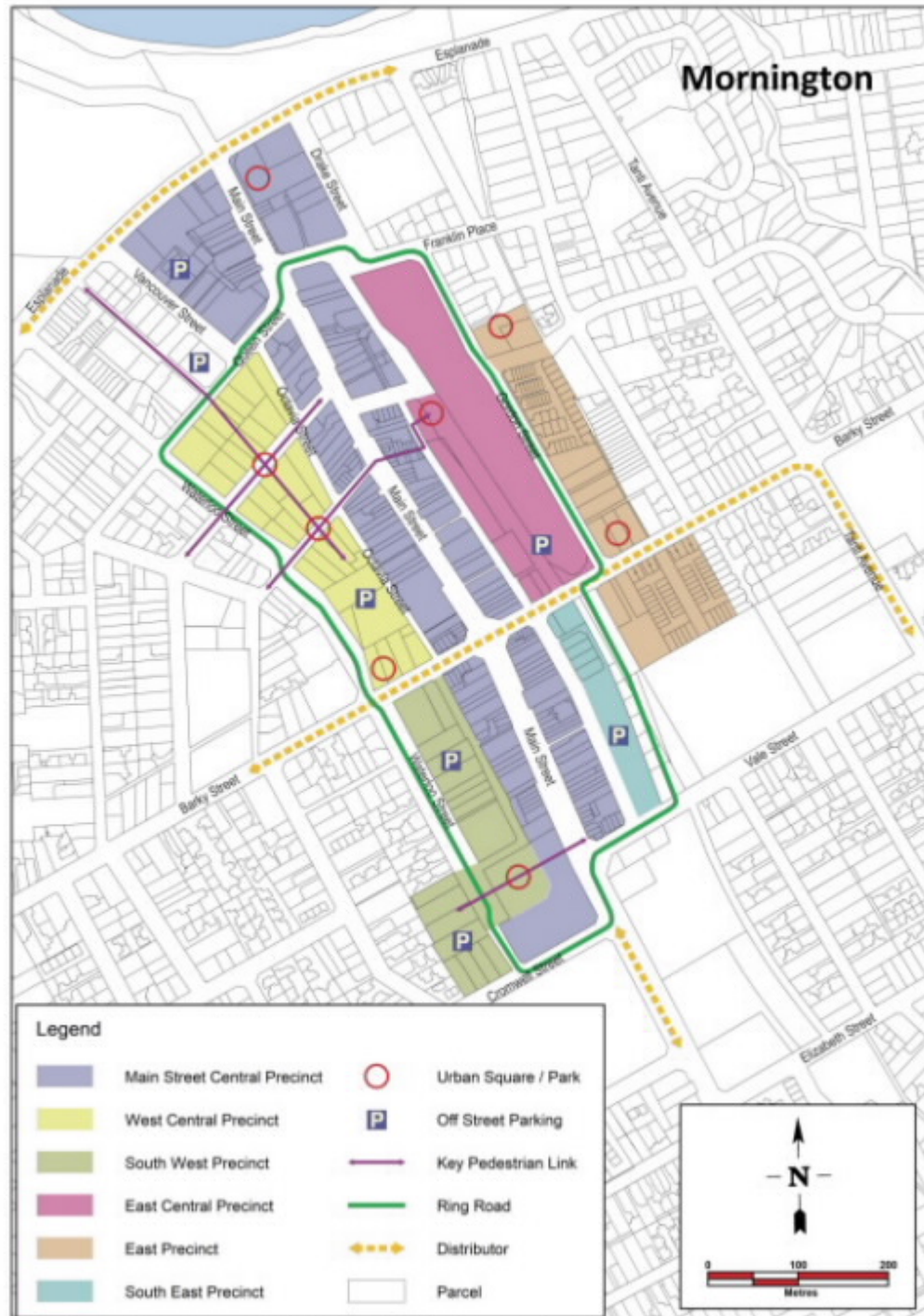
# MORNINGTON PENINSULA PLANNING SCHEME

Map 1: Mornington Activity Centre Policy Areas



## MORNINGTON PENINSULA PLANNING SCHEME

Map 2: Precincts and Key Design Elements in the Retail Core Policy Area



## MORNINGTON PENINSULA PLANNING SCHEME

## 11.03-1L-03 Rosebud activity centre

22/07/2021  
C279morn

## Policy application

This policy applies to use and development in the Rosebud Activity Centre Policy Area as shown on the map to this clause.

## Strategies

## Land use and activity

Support use and development that enhances the focus on Point Nepean Road as the central spine for activity.

Encourage active retail and office developments spread evenly between The Heart and Boneo Junction precincts and a mix of office and residential apartments above ground.

Encourage mixed use development in The Heart precinct that strengthens its community focus through the provision of recreation opportunities and an attractive and well-landscaped pedestrian-focused public space.

Encourage uses with a retail focus to locate at the entrances to the town centre to the east of Jetty Road and to the west of Boneo Road.

Encourage restricted retailing at ground level in the Commercial 1 Zone of the Boneo Junction precinct but only between Rose Avenue and First Avenue.

Promote housing consolidation and choice in the Rosebud Activity Centre by encouraging upper level residential apartment development.

Promote the Jetty Road Café precinct as an appropriate location to establish food and drink premises associated with residential development.

Encourage health services around the Medical Services Cluster precinct.

Promote housing and community services for older people in proximity to Point Nepean Road and Boneo Road.

Facilitate the expansion of community and health services along Boneo Road, from Point Nepean Road to Coorabong Avenue.

Encourage ground floor level uses, such as restaurants, bars and tourism uses with upper level offices and residential apartments in the Avenues Activity Link precinct.

Promote the redevelopment of existing car parking areas in The Heart precinct.

## Built form

Design buildings that respond to the existing scale and character of streetscapes when viewed from the pedestrian network.

Encourage design excellence that enhances the coastal character of the centre, sense of place and entry points to the area through a range of design measures such as:

- Distinct contemporary built form.
- Minimal visual bulk to the street.
- Detailing and articulation of façades.
- Use of diverse and high-quality materials and colours.
- Visually interesting roof forms and low roof pitches.
- Active frontages.

In the area between Rose Avenue and First Avenue of the Boneo Junction precinct, encourage strong and consistent three-storey scale to the Point Nepean Road frontage, with car parking to the side or rear.

## MORNINGTON PENINSULA PLANNING SCHEME

Development associated with the Jetty Road Café precinct should:

- Be of a scale and height that responds to the surrounding residential development.
- Adopt a coastal architectural style.
- Implement a diverse materials palette.
- Avoid unreasonable visual intrusiveness to the foreshore.
- Be setback to protect foreshore vegetation and maintain any existing contributory vegetation.

Enhance the activity centre's entrance at Boneo Road with complementary landscape treatments and well-defined pedestrian linkages between the centre, foreshore and Bay Trail.

Support an attractive, well-landscaped and pedestrian-oriented shared plaza at Wannaeue Place and Rosebud Plaza with active retail frontages and pedestrian linkages between the activity centre, Point Nepean Road and the foreshore.

Design development to respect views to Arthurs Seat.

Where building canopies prevail, design development to include this architectural element to provide a consistent streetscape and offer continued shelter to the public realm.

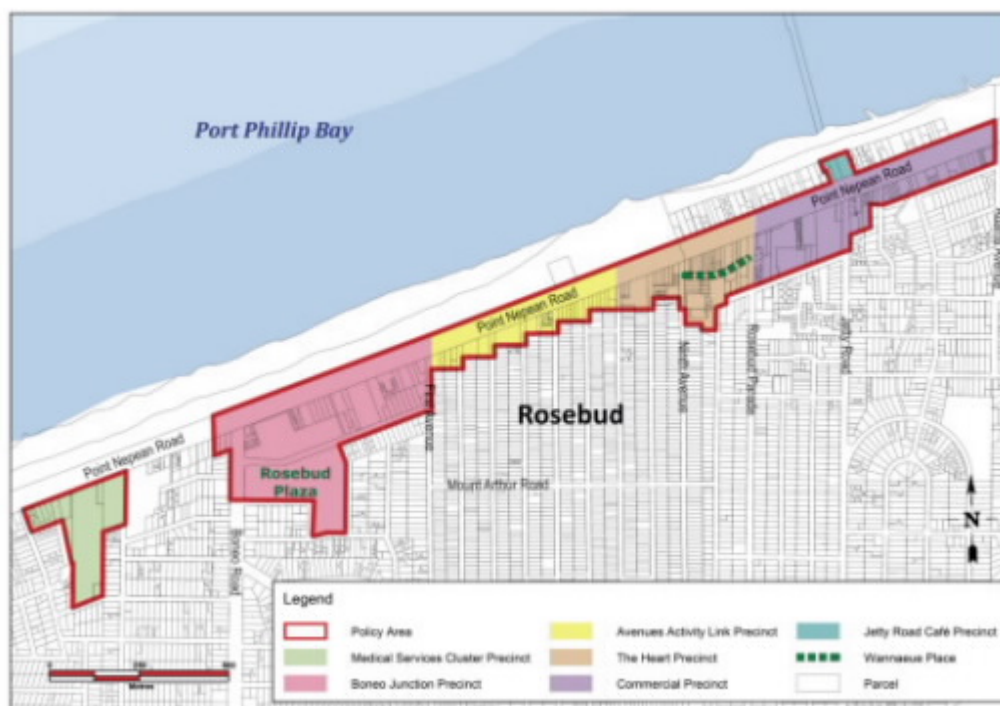
Integrate car parking facilities with new buildings and contain them in an underground and/or concealed format to minimise the visual exposure of these facilities to adjacent land, road reserves and open space.

Policy document

Consider as relevant:

- Rosebud Activity Centre Structure Plan (Hansen Partnership 2017)

Precincts in the Rosebud Activity Centre Policy Area



## MORNINGTON PENINSULA PLANNING SCHEME

## 11.03-1L-04 Hastings activity centre

22/07/2021  
C279morn

## Policy application

This policy applies to use and development in the Hastings Activity Centre Policy Area as shown on the map to this clause.

## Strategies

## Retail and commercial use

Support use and development that enhance the focus on High Street as the central spine for activity. Encourage cafés and alfresco dining along High Street and Marine Parade (south of Church Street). Facilitate redevelopment opportunities in commercially zoned land in the following ways:

- Multi-storey development in High Street, incorporating retail/commercial uses at ground level, commercial/residential uses at the second storey and residential uses for upper storeys.
- Dual frontage retail, with infill of vacant land to the rear of existing High Street shops.
- Retail development in High Street between Queen Street and the railway.

Support the extension of mixed use development in the activity centre on:

- Either side of King Street, between High Street and Church Street.
- The east side of King Street, between High Street and Elizabeth Street.

## Residential use

Support opportunities for higher density residential development in the town centre.

Encourage a diverse range of accommodation including:

- Shop top housing along High Street over existing single storey retail.
- Redevelopment of land at the western end of High Street (between Queen Street and Station Street) for mixed use purposes with retail at ground level and multi storey residential above.
- Redevelopment of the area on either side of King Street (between High Street and Church Street) as a mixed use development combining retail/commercial premises with medium density housing.

## Built form

Support development at gateways sites through landmark urban design and architecture signage, complementary landscaping and public art.

Design buildings with active frontages to add to the activity and vitality of the streets.

Discourage expanses of blank walls.

Encourage rear or side elevations of buildings that open onto laneways or public spaces to have an active frontage to these spaces.

Design development to provide continuous weather protection along High Street and key pedestrian links.

Provide additional passive recreation areas in the Activity Core precinct, such as well-designed 'micro-parks' and landscaped pedestrian links, strategically located along the pedestrian network.

Ensure buildings in the vicinity of the foreshore are orientated towards the foreshore environment with active frontages that maximise opportunities for views of the foreshore and water.

Support development on High Street that provides attractive links to the foreshore and the Railway precinct.



## MORNINGTON PENINSULA PLANNING SCHEME

Plan the scale of development along High Street that will protect important vistas along High Street to the foreshore.

Policy guideline

Consider as relevant:

- Buildings should be designed to have at least 75 per cent active frontages to adjacent streets.

Policy document

Consider as relevant:

- Hastings Town Centre Structure Plan (Planisphere 2017)

Precincts in the Hastings Activity Centre Policy Area



## MORNINGTON PENINSULA PLANNING SCHEME

## 11.03-2S

04/05/2022  
VC210

## Growth areas

## Objective

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

## Strategies

Concentrate urban expansion into growth areas that are served by high-capacity public transport. Implement the strategic directions in the Growth Area Framework Plans.

Encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare and over time, seek an overall increase in residential densities to more than 20 dwellings per net developable hectare.

Deliver timely and adequate provision of public transport and local and regional infrastructure and services in line with a preferred sequence of land release.

Provide for significant amounts of local employment opportunities and in some areas provide large scale industrial or other more regional employment generators.

Create a network of mixed-use activity centres that are high quality, well designed and create a sense of place.

Provide a diversity of housing type and distribution.

Retain unique characteristics of established areas impacted by growth.

Protect and manage natural resources and areas of heritage cultural and environmental significance.

Create well planned easy to maintain and safe streets and neighbourhoods that reduce opportunities for crime, improve perceptions of safety and increase levels of community participation.

Develop Growth Area Framework Plans that will:

- Include objectives for each growth area.
- Identify the long term pattern of urban growth.
- Identify the location of broad urban development types, for example activity centre, residential, employment, freight centres and mixed use employment.
- Identify the boundaries of individual communities, landscape values and, as appropriate, the need for discrete urban breaks and how land uses in these breaks will be managed.
- Identify transport networks and options for investigation, such as future railway lines and stations, freight activity centres, freeways and arterial roads.
- Identify the location of open space to be retained for recreation and/or biodiversity protection and/or flood risk reduction purposes, guided and directed by regional biodiversity conservation strategies.
- Show significant waterways as opportunities for creating linear trails, along with areas required to be retained for biodiversity protection and/or flood risk reduction purposes.
- Identify appropriate uses for constrained areas including quarry buffers.

Develop precinct structure plans consistent with the Precinct Structure Planning Guidelines (Victorian Planning Authority, 2021) approved by the Minister for Planning to:

- Establish a sense of place and community
- Create greater housing choice, diversity and affordable places to live.
- Create highly accessible and vibrant activity centres.
- Provide for local employment and business activity.

## MORNINGTON PENINSULA PLANNING SCHEME

- Providebettertransportchoices.
- Respondo climatechangeandincreaseenvironmentalsustainability
- Deliver accessible,integratedandadaptablcommunityinfrastructure.

Policy documents

Considerasrelevant:

- Any applicableGrowthAreaFrameworkPlans(Departmentof SustainabilityandEnvironment, 2006)
- PrecinctStructurePlanningGuidelines(VictorianPlanningAuthority, 2021)
- Ministerial DirectionNo. 12 – Urban Growth Areas



## MORNINGTON PENINSULA PLANNING SCHEME

11.03-3S

31/07/2018  
VC148

## Peri-urban areas

## Objective

To manage growth in peri-urban areas to protect and enhance their identified valued attributes.

## Strategies

Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.

Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in Warragul-Drouin, Bacchus Marsh, Torquay-Jan Luc, Gisborne, Kyneton, Wonthaggi, Kilmore, Broadford, Seymour and Ballan and other towns identified by Regional Growth Plans as having potential for growth.

Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.

Enhance the character, identity, attractiveness and amenity of peri-urban towns.

Prevent dispersed settlement and provide for non-urban breaks between urban areas.

Ensure development is linked to the timely and viable provision of physical and social infrastructure.

Improve connections to regional and metropolitan transport services.

## MORNINGTON PENINSULA PLANNING SCHEME

## 11.03-4S

20/03/2023  
VC229

## Coastal settlement

## Objective

To plan for sustainable coastal development.

## Strategies

Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.

Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Minimise linear urban sprawl along the coastal edge and ribbon development in rural landscapes.

Protect areas between settlements for non-urban use.

Limit development in identified coastal hazard areas on ridgelines, primary coastal dunes systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.

Encourage the restructuring of old and inappropriate subdivisions to reduce development impacts on the environment.

Ensure a sustainable water supply, stormwater management and sewerage treatment for all development.

Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

Prevent the development of new residential canal estates.

## Policy documents

## Consider as relevant:

- G21 Regional Growth Plan (Geelong Region Alliance, 2013)
- Gippsland Regional Growth Plan (Victorian Government 2014)
- Great South Coast Regional Growth Plan (Victorian Government 2014)
- Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)
- Marine and Coastal Strategy (Department of Environment, Land, Water and Planning, 2022)
- Siting and Design Guidelines for Structures on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020)

## MORNINGTON PENINSULA PLANNING SCHEME

## 11.03-5S

30/04/2021  
VC185

## Distinctive areas and landscapes

## Objective

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

## Strategies

Recognise the unique features and special characteristics of these areas and landscapes.

Implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.

Integrate policy development, implementation and decision-making for declared areas under Statements of Planning policy.

Recognise the important role these areas play in the state as tourist destinations.

Protect the identified key values and activities of these areas.

Enhance conservation of the environment, including the unique habitat, ecosystems and biodiversity of these areas.

Support use and development where it enhances the valued characteristics of these areas.

Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.

Protect areas that are important for food production.

## Policy documents

## Consider as relevant:

- Bellarine Peninsula Localised Planning Statement (Victorian Government 2015)
- Macedon Ranges Statement of Planning Policy (Victorian Government 2019)
- Mornington Peninsula Localised Planning Statement (Victorian Government 2014)
- Yarra Ranges Localised Planning Statement (Victorian Government 2017)

## MORNINGTON PENINSULA PLANNING SCHEME

11.03-6S

31/07/2018  
VC148

Regional and local places

Objective

To facilitate integrated place-based planning.

Strategies

Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

## MORNINGTON PENINSULA PLANNING SCHEME

## 11.03-6L

22/07/2021  
C279morn

## Regional and local places - Mornington North

## Policy application

This policy applies to land in the Mornington North Policy Area as shown on the map to this clause.

## Objectives

To protect the low-density and low-scale residential character of the area east of the dotted line as shown on the map to this clause.

To ensure development in Precincts 1B, 3 and 4 retains the well-landscape interface and transition to the green wedge that is sensitive to its environmental and landscape values.

To ensure the siting and height of buildings east of Racecourse Road reflect the low-density residential character of that area.

To provide additional housing diversity for the Mornington Township – particularly housing that enables ageing-in-place in the area west of Racecourse Road.

To ensure the built form, site coverage, setbacks and landscaping of developments surrounding the Mornington Racecourse contribute to a 'country setting' for the Mornington Racecourse.

To protect the Mornington Racecourse as a venue for racecourse activities and non-race day activities – from encroachment by noise-sensitive uses or by uses that are otherwise incompatible with the racecourse.

To support racehorse training and other activities complementary to the Mornington Racecourse, close to the racecourse.

## Strategies

For land in Precinct 1A – north of Bungower Road, west of Racecourse Road:

- Support the use and development of this area for an education centre and retirement village living.

For land in Precinct 1B – north of Bungower Road, east of Racecourse Road:

- Support development that complements the low-density residential character of the area.
- Support the use and development of land that contributes to housing diversity.
- Support the use and development of land for recreational, health and education facilities.
- Encourage development to provide setbacks and landscaping that align with the character of the area.

For land in Precinct 2 – west of Racecourse Road, south of Bungower Road:

- Support the use and development of the land along Racecourse Road for retirement village living.
- Protect the caravan park, acknowledging the importance of this tourism facility to the Mornington Township. In the event the caravan park use ceases, support the redevelopment of the land to a residential area as an extension to the St Mitchell Circuit Estate.

For land in Precinct 3 – east of Racecourse Road, south of Bungower Road:

- Support the use and development of land for health and other community services for elderly residents and uses that complement the racecourse.
- Encourage development to provide setbacks and landscaping that align with the low-density character of the area.

For land in Precinct 4 – Roberts Road area:

- Support development that complements the low-density residential character of the area.

## MORNINGTON PENINSULA PLANNING SCHEME

- Support the use and development of land that contributes to racehorse-training and landscape qualities and the rural-residential landscape setting of the Mornington Racecourse.
- Encourage development to provide setbacks and landscaping that align with the character of the area.
- Ensure development enhances the environmental and landscape values of Balcombe Creek and environs.

For land in Precinct 5 – Mornington Racecourse:

- Support the use and development of the land for racecourse and complementary (non-racecourse related) activities, subject to the consideration and management of impacts on the residential amenity of surrounding areas.
- Ensure the use and development of land provides adequate infrastructure to protect the safety and efficiency of adjoining roads.

For land in Precinct 6 – Woodbyne Crescent / Albany Way area:

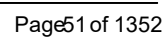
- Support low-density residential development that complements the housing diversity of the residential area to the west.
- Minimise potential conflicts between residential uses and nearby non-residential uses through setbacks and other design measures.
- Enhance the landscaped character for the precinct, including the provision of landscape fringes along Watt Road and Racecourse Road.

Policy document

Consider as relevant:

- Mornington North Outline Development Plan (Mornington Peninsula Shire, 2013)

## Precincts in the Mornington North Policy Area



## MORNINGTON PENINSULA PLANNING SCHEME

12

10/06/2022  
VC216

## ENVIRONMENTAL AND LANDSCAPE VALUES

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost among the national agreements is the Intergovernmental Agreement on the Environment which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, Australia's Strategy for Nature 2019-2030, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation biodiversity, geological or landscape value.



MORNINGTON PENINSULA PLANNING SCHEME

12.01

31/07/2018  
VC148

BIODIVERSITY

## MORNINGTON PENINSULA PLANNING SCHEME

12.01-1S

20/03/2023  
VC229

## Protection of biodiversity

## Objective

To protect and enhance Victoria's biodiversity

## Strategies

Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities and strategically valuable biodiversity sites.

Strategically plan for the protection and conservation of Victoria's important areas of biodiversity

Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:

- Cumulative impacts.
- Fragmentation of habitat.
- The spread of pest plants, animals and pathogens into natural ecosystems.

Avoid impacts of land use and development on important areas of biodiversity

Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).

Assist in the identification, protection and management of important areas of biodiversity

Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.

Support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.

## Policy guidelines

Consider as relevant:

- State biodiversity information maintained by the Department of Energy, Environment and Climate Action.

## Policy documents

Consider as relevant:

- Any applicable biodiversity strategies including the relevant Regional Catchment Strategy (prepared under Part 4 of the Catchment and Land Protection Act 1994)
- Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013)
- Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)
- Protecting Victoria's Environment - Biodiversity 2037 (Department of Environment, Land, Water and Planning, 2017)
- Victorian Waterway Management Strategy (Department of Environment and Primary Industries, 2013)

MORNINGTON PENINSULA PLANNING SCHEME

12.01-1L

22/07/2021  
C279morn

Protection of biodiversity - Mornington Peninsula

Strategy

Avoid the spread of environmental weeds and encourage the re-establishment of indigenous vegetation.

## MORNINGTON PENINSULA PLANNING SCHEME

12.01-2S

20/03/2023  
VC229

## Native vegetation management

## Objective

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

## Strategies

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

## Policy guidelines

Consider as relevant:

- State biodiversity information maintained by the Department of Energy, Environment and Climate Action.

## Policy documents

Consider as relevant:

- Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)
- Assessor's handbook- application to remove, destroy or lop native vegetation (Department of Environment, Land, Water and Planning, 2017)

MORNINGTON PENINSULA PLANNING SCHEME

12.02  
06/09/2021  
VC171

MARINE AND COASTAL ENVIRONMENT

## MORNINGTON PENINSULA PLANNING SCHEME

12.02-1S

20/03/2023  
VC229

Protection of the marine and coastal environment

## Objective

To protect and enhance the marine and coastal environment.

## Strategies

Manage privately-owned foreshore consistently with the adjoining public land.

Protect coastal and foreshore environments and improve public access and recreation facilities around Port Phillip Bay and Western Port by focusing development in areas already developed or in areas that can tolerate more intensive use.

Enhance the ecological values of the ecosystem in the marine and coastal environment.

Protect and enhance the overall extent and condition of native habitats and species diversity distributions across public and private land in the marine and coastal environment.

Encourage revegetation of cleared land abutting coastal reserves.

Minimise direct, cumulative and synergistic effects on ecosystem and habitats.

Maintain the natural drainage patterns, water quality and biodiversity in and adjacent to coastal estuaries, wetlands and waterways.

Maintain and enhance water and soil quality by minimising disturbance of sediments.

Avoid disturbance of coastal acid sulfate soils.

Protect and enhance natural features, landscapes, seascapes and public visual corridors.

Plan for marine development and infrastructure to be sensitive to marine national parks and environmental assets.

Protect the heritage values, the aesthetic quality of locations, cultural links with maritime activities, sea country and sense of place.

## Policy guidelines

Consider as relevant:

- Any applicable Regional and Strategic Partnership Product, environmental management plan or coastal and marine management plan approved under the Marine and Coastal Act 2018 or National Parks Act 1975

## Policy documents

Consider as relevant:

- Coastal Space and Landscape Assessment Study (Department of Sustainability and Environment, 2006)
- Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)
- Marine and Coastal Strategy (Department of Environment, Land, Water and Planning, 2022)
- Siting and Design Guidelines for Structures on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020)
- Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils (Department of Environment, Land, Water and Planning, 2010)
- Victorian Coastal Acid Sulfate Soils Strategy (Department of Sustainability and Environment, 2009)

## MORNINGTON PENINSULA PLANNING SCHEME

## 12.02-1L

22/07/2021  
C279morn

## Protection of coastal areas - Mornington Peninsula

## Strategies

Ensure existing structures are reused and upgraded where feasible and degraded foreshore structures are removed wherever possible.

Avoid the construction of additional structures on the foreshore except where substantial net benefits to the community and/or coastal environment are clearly demonstrated.

Avoid the extension or establishment of car parks and roads in sensitive coastal locations such as dunes or wetlands.

Ensure the provision of car parking achieves a balance between the convenience for users and the protection of the conservation and landscape values of the foreshore.

Support private coastal protection works only where they will not:

- Cause loss of or damage to public beaches, Crown land or significant natural features.
- Result in erosion of adjacent properties.
- Adversely affect coastal landform stability or coastal processes.

Facilitate pedestrian access and connections in the public realm, both along the coast and between the coastal foreshore and adjoining township areas provided this does not threaten fragile coastal environments or fragment narrow stands of coastal vegetation.

Ensure commercial uses and development in foreshore areas:

- Maintain public access.
- Do not contribute to the proliferation of activities which are not dependent on a beach or coastal location.
- Do not have adverse impact on adjoining commercial centres.

## Policy guidelines

Consider as relevant:

- Decision making should acknowledge natural processes and the fragile and dynamic nature of the coast.
- Appropriate management techniques should be applied to identified threats such as the spread of environmental weeds, introduced pest fauna, erosion and the pollution of water, ground water, air and land that may impact on the foreshore's natural systems.
- Performance standards and monitoring programs should be developed to minimise the risk of pollution of the coastal environment and improve water quality from urban and rural catchments entering the bays.

## MORNINGTON PENINSULA PLANNING SCHEME

12.02-2S

20/03/2023  
VC229

## Marine and coastal Crown land

## Objective

To ensure the use and development of marine and coastal Crown land is ecologically sustainable, minimises impacts on cultural and environmental values, and improves public benefit for current and future generations.

## Strategies

Design, locate and maintain buildings and structures to effectively manage:

- Any increase in exposure to coastal hazard risk, including rates of sea level rise, erosion, accretion or inundation.
- Exposure to public health and safety risks.
- Any detrimental impacts (in particular increased hazard risk) on neighbouring Crown or private land.
- Adverse effects on the environment and associated uses and values.
- Impact on marine and coastal functions and processes.

Ensure the siting and design of development on marine and coastal Crown land:

- Facilitates shared infrastructure and the use of land for more than one use.
- Uses materials and finishes that are sympathetic to the coastal environment.
- Is durable in the long term.
- Minimises the environmental footprint.

Ensure that use and development on or adjacent to marine and coastal Crown land:

- Maintains safe, equitable public access.
- Improves public benefit.
- Demonstrates need and has a coastal dependency
- Minimises loss of public open space.

## Policy guidelines

Consider as relevant:

- Any applicable Victorian Environmental Assessment Council recommendations
- The purpose for which land is reserved under the Crown Land (Reserves) Act 1978
- Any relevant environmental management plan or coastal and marine management plan approved under the Marine and Coastal Act 2018 or National Parks Act 1975

## Policy documents

Consider as relevant:

- Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)
- Marine and Coastal Strategy (Department of Environment, Land, Water and Planning, 2022)
- Siting and Design Guidelines for Structures on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020)



MORNINGTON PENINSULA PLANNING SCHEME

12.03  
31/07/2018  
VC148

WATER BODIES AND WETLANDS

## MORNINGTON PENINSULA PLANNING SCHEME

## 12.03-1S

16/12/2022  
VC201

River and riparian corridors, waterways, lakes, wetlands and billabongs

## Objective

To protect and enhance waterways systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.

## Strategies

Protect the environmental, cultural, landscape values of all waterways systems as significant economic, environmental and cultural assets.

Conserve waterways systems and the landscape and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.

Sensitively design and site development to maintain and enhance the waterways system and the surrounding landscape setting, environmental assets and ecological and hydrological systems.

Address the impacts of use and development on drought and flooding events at a catchment and site scale to protect the health and natural function of waterways systems and their surrounding landscape and environment.

Protect geomorphology, bank stability and flood management capacity to strengthen the environmental value and health of waterways systems by:

- Retaining and re-establishing indigenous riparian vegetation along waterways systems, ensuring it responds to the bushfire risk of a location.
- Enhancing and re-establishing both terrestrial and aquatic habitats and their linkages along and surrounding waterways systems.
- Limiting earthworks in proximity to waterways systems to minimise alteration to geomorphology, natural drainage, natural flows and water quality.
- Facilitating the restoration of waterways systems through the removal of weeds, invasive species and pests.

Enhance a sense of place and landscape identity by:

- Conserving areas of identified Victorian Aboriginal cultural heritage significance relating to waterways systems.
- Retaining and re-establishing vegetation including grasslands and canopy trees, surrounding waterways systems to enhance and connect to the landscape setting, ensuring it responds to the bushfire risk of a location.
- Protecting existing topographic features and maintaining a sense of naturalness through sensitive design and siting.

Retain and enhance the recreation and amenity values along waterways systems by:

- Planning for surrounding green spaces as recreation and tourism resources without adversely impacting environmental values and flood management capacity.
- Protecting and enhancing parklands for their economic, social and environmental values.
- Protecting and enhancing public access to waterways systems and surrounding parklands.
- Enhancing existing and providing new green links, pedestrian and cycle connections and open space.
- Discouraging privatisation of spaces that interface with or provide access to waterways systems.
- Avoiding overshadowing of waterways systems, their banks and adjacent public open space.
- Promoting safety by maximising visibility and passive surveillance and providing good connections and access.

## MORNINGTON PENINSULA PLANNING SCHEME

Design and siting of development to maintain and enhance the natural environment of waterways systems by:

- Minimising the visual intrusion of development in the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterways systems themselves.
- Ensuring development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development.
- Ensuring development adjacent to waterways adopts high quality materials and respectful design and siting.
- Avoiding impeding the natural flow of waterways and future flood events.
- Directing growth to established settlements where water and wastewater can be managed.

Policy guidelines

Consider as relevant:

- Locating earthworks including dams, a minimum of 30 metres from waterways systems.
- Locating development a minimum of 30 metres from the banks of waterways systems.
- The views of floodplain and waterway managers.
- Any regional catchment strategy and related plans approved under the Catchment and Land Protection Act 1994.

Policy documents

Consider as relevant:

- Melbourne Water's Guidelines for Approval of Jetties (Melbourne Water, 2011)
- Healthy Waterways Strategy (Melbourne Water, 2018)

MORNINGTON PENINSULA PLANNING SCHEME

MORNINGTON PENINSULA PLANNING SCHEME

12.04

31/07/2018  
VC148

ALPINE AREAS

## MORNINGTON PENINSULA PLANNING SCHEME

## 12.04-1S

20/03/2023  
VC229

## Sustainable development in alpine areas

## Objective

To facilitate sustainable use and development of Alpine areas for year-round use and activity.

## Strategies

Protect and manage significant environmental features and ecosystems taking into account the sensitive and fragile nature of the alpine environment.

Ensure that the use and development of land is managed to minimise the disturbance of indigenous flora and fauna and sensitive landscapes.

Ensure that there is a mixture of use and development to cater for users of alpine areas in all seasons.

Recognise the distinct environments, infrastructure needs and capabilities to support different activities of each alpine resort and other alpine areas.

Provide for the development of consolidated alpine villages, including a diverse range of employment, social and economic opportunities.

Promote development for active recreation solely at Falls Creek, Lake Mountain, Mt Buffalo, Mt Baw Baw, Mt Buller and Mt Hotham.

Promote intensive residential and commercial development at Falls Creek, Mt Baw Baw, Mt Buller and Mt Hotham.

Maintain Mt Stirling as an all-season nature based tourist, recreational and educational resource.

Ensure that the sustainable long term planning and management of Victoria's six alpine resorts is consistent with the strategic directions contained in the Alpine Resorts Strategic Plan 2020-2025 Responding to a Changing Climate (Victorian Government Alpine Resorts Co-ordinating Council, 2019).

Develop, monitor and regularly review the Alpine Resort Environmental Management Plans and Comprehensive Development Plans for each alpine resort, recognising their unique characteristics, constraints and opportunities.

Encourage best practice in design that responds to the alpine character of the area.

Ensure heritage places are protected and conserved including Aboriginal cultural heritage and post contact heritage places.

Ensure that increases in skier, pedestrian and vehicular activity in the resorts do not compromise public safety or the accessibility and capacity of ski fields, services, commercial activity and development of trailheads.

Implement approved plans, manage development and work with Alpine Resort Management Boards to effectively operate alpine resorts and protect alpine resources.

Ensure that the use and development of land responds to potential environmental risks and contributes to maintaining or improving the environmental quality of alpine environments.

## Policy guidelines

## Consider as relevant:

- Any applicable approved Victorian Environmental Assessment Council recommendations.
- Any approved management plan or guideline endorsed by the Minister for Environment or Minister for Water

## Policy documents

## Consider as relevant:

## MORNINGTON PENINSULA PLANNING SCHEME

- Alpine Resorts Strategic Plan 2020-2025 Responding to a Changing Climate (Victorian Government, Alpine Resorts Co-ordinating Council, 2019)
- The Memorandum of Understanding in relation to the Co-operative Management of the Australian Alps National Parks, agreed to by the member states and territories of Victoria, Australian Capital Territory and New South Wales

MORNINGTON PENINSULA PLANNING SCHEME

12.05  
31/07/2018  
VC148

SIGNIFICANT ENVIRONMENTS AND LANDSCAPES



## MORNINGTON PENINSULA PLANNING SCHEME

12.05-1S

31/07/2018  
VC148

Environmentally sensitive areas

Objective

To protect and conserve environmentally sensitive areas.

Strategies

Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bay and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coast areas and their foreshores, Alpine areas and nominated urban conservation areas, historic buildings and precincts.

## MORNINGTON PENINSULA PLANNING SCHEME

12.05-2S

31/07/2018  
VC148

## Landscapes

## Objective

To protect and enhance significant landscape and open spaces that contribute to character, identity and sustainable environments.

## Strategies

Ensure significant landscape areas such as forests, the bays and coastlines are protected.

Ensure development does not detract from the natural qualities of significant landscape areas.

Improve the landscape qualities, open space linkages and environmental performance in significant landscape and open spaces including green wedges, conservation areas and non-urban areas.

Recognise the natural landscape for its aesthetic value and as a fully functioning system.

Ensure important natural features are protected and enhanced.

## MORNINGTON PENINSULA PLANNING SCHEME

13

01/07/2021  
VC203

## ENVIRONMENTAL RISKS AND AMENITY

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

- Land use and development compatibility.
- Effective controls to prevent or mitigate significant impacts.

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental and social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change.

MORNINGTON PENINSULA PLANNING SCHEME

13.01  
31/07/2018  
VC148

CLIMATE CHANGE IMPACTS

## MORNINGTON PENINSULA PLANNING SCHEME

## 13.01-1S

20/03/2023  
VC229

## Natural hazards and climate change

## Objective

To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

## Strategies

Respond to the risks associated with climate change in planning and management decision making processes.

Identify at risk areas using the best available data and climate change science.

Integrate strategic and use planning with emergency management decision making.

Direct population growth and development to low risk locations.

Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.

Ensure planning controls allow for risk mitigation and climate change adaptation strategies to be implemented.

Site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards.

## Policy guidelines

Consider as relevant:

- Climate change data and information maintained by the Department of Energy, Environment and Climate Action.
- Adaptation action plans prepared under Division 2 of Part 5 of the Climate Change Act 2017.

## Policy documents

Consider as relevant:

- Climate science report prepared under Part 6 of the Climate Change Act 2017

MORNINGTON PENINSULA PLANNING SCHEME

13.01-1L

22/07/2021  
C279morn

Natural hazards and climate change - Mornington Peninsula

Strategy

Ensure new development proposals assess the vulnerability of the proposed development to climate change effects.

## MORNINGTON PENINSULA PLANNING SCHEME

## 13.01-2S

20/03/2023  
VC229

## Coastal inundation and erosion

## Objective

To plan for and manage coastal hazard risk and climate change impacts.

## Strategies

Plan for sea level rise of not less than 0.8 metres by 2100 and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.

Ensure that land subject to hazard is identified and appropriately managed to ensure that future use and developments are not at risk.

Avoid use and development in areas vulnerable to coastal inundation and erosion.

Respond to marine and coastal processes in the context of the coastal compartment type.

Assess the effectiveness, costs, benefits, impacts (direct, cumulative and synergistic) and path dependency of available adaptation options in the following order:

1. non-intervention
2. avoid
3. nature-based methods
4. accommodate
5. retreat
6. protect

Ensure that development or protective works that seek to respond to coastal hazard risks avoid detrimental impacts on coastal processes.

## Policy guidelines

Consider as relevant:

- Any applicable Victorian Environmental Assessment Council recommendations.
- Any applicable Regional and Strategic Partnership Product, environmental management plan or coastal and marine management plan approved under the Marine and Coastal Act 2018 or National Parks Act 1975
- Any coastal erosion advice required under section 75 of the Marine and Coastal Act 2018
- Local coastal hazard assessments and localised projections.

## Policy documents

Consider as relevant:

- Any applicable adaptation action plan prepared under the Climate Change Act 2017
- Guidelines for Coastal Catchment Management Authorities: Assessing Development in relation to Sea Level Rise (June 2012)
- Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)
- Marine and Coastal Strategy (Department of Environment, Land, Water and Planning, 2022)
- Planning for Sea Level Rise Guidelines, Port Phillip and Western Port Region (Melbourne Water, 2017)
- Siting and Design Guidelines for Structures on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020)
- The Victorian Coastal Hazard Guide (Department of Sustainability and Environment, 2012)

MORNINGTON PENINSULA PLANNING SCHEME

13.02

31/07/2018  
VC148

BUSHFIRE



## MORNINGTON PENINSULA PLANNING SCHEME

## 13.02-1S

20/03/2023  
VC229

## Bushfire planning

## Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

## Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

## Strategies

## Protection of human life

Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

## Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.
- Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.
- Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.
- Considering and assessing the bushfire hazard on the basis of:
  - Landscape conditions- meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
  - Local conditions- meaning conditions in the area within approximately 1 kilometre of a site;
  - Neighbourhood conditions- meaning conditions in the area within 400 metres of a site; and
  - The site for the development.
- Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendation and implement appropriate bushfire protection measures.
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

## MORNINGTON PENINSULA PLANNING SCHEME

## Settlement planning

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standard Australia, 2018).
- Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standard Australia, 2018) where human life can be better protected from the effects of bushfire.
- Ensuring the bushfire risk to existing and future residents' property and community infrastructure will not increase as a result of future land use and development.
- Achieving no net increase in risk to existing and future residents' property and community infrastructure through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.
- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.
- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standard Australia, 2018).

## Areas of biodiversity conservation value

Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity

## Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:

- Subdivisions of more than 10 lots.
- Accommodation.
- Child care centre.
- Education centre.
- Emergency services facility.
- Hospital.
- Indoor recreation facility.
- Major sports and recreation facility.
- Place of assembly
- Any application for development that will result in people congregating in large numbers.

When assessing a planning permit application for the above uses and development:

- Consider the risk of bushfire to people, property and community infrastructure.

## MORNINGTON PENINSULA PLANNING SCHEME

- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

## Policy guidelines

## Consider as relevant:

- Any applicable approved state, regional and municipal fire prevention plan.

## Policy documents

## Consider as relevant:

- AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018)
- Building in bushfire-prone areas - CSIRO & Standards Australia (SAA HB36-1993, 1993)
- Any bushfire prone area map prepared under the Building Act 1993 or regulations made under that Act

MORNINGTON PENINSULA PLANNING SCHEME

13.03  
31/07/2018  
VC148

FLOODPLAINS

## MORNINGTON PENINSULA PLANNING SCHEME

## 13.03-1S

20/03/2023  
VC229

## Floodplain management

## Objective

To assist the protection of:

- Life, property and community infrastructure from flood hazard including coastal inundation, riverine and overland flows.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river, wetland or coastal health.

## Strategies

Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 percent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.

Avoid intensifying the impact of flooding through inappropriately located use and development.

Plan for the cumulative impacts of use and development on flood behaviour

Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters, child care centres and schools) outside the 1 in 100 year (1 percent Annual Exceedance Probability) floodplain and, where possible, at levels above the height of the probable maximum flood.

Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substance and flood waters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.

## Policy guidelines

Consider as relevant:

- Regional catchment strategies and special area plans approved by the Minister for Environment or Minister for Water
- Any floodplain management manual or guideline of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority
- Any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority.

## Policy documents

Consider as relevant:

- Victorian Floodplain Management Strategy (Department of Environment, Land, Water and Planning, 2016)

MORNINGTON PENINSULA PLANNING SCHEME

MORNINGTON PENINSULA PLANNING SCHEME

13.04

31/07/2018  
VC148

SOIL DEGRADATION

## MORNINGTON PENINSULA PLANNING SCHEME

13.04-1S

04/05/2022  
VC210

Contaminated and potentially contaminated land

## Objective

To ensure that contaminated and potentially contaminated land is used and developed safely

## Strategies

Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.

Protect a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school from the effects of contamination.

Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.

## Policy guideline

Consider as relevant the potential for contamination to impact the proposed use or development through an assessment that is proportionate to the risk, including:

- An assessment in accordance with the National Environment Protection (Assessment of Site Contamination) Measure (National Environment Protection Council, 1999)
- A preliminary risk screening assessment or environmental audit under Part 8.3 of the Environment Protection Act 2017.

## Policy documents

Consider as relevant:

- Ministerial Direction No. 1 - Potentially Contaminated Land
- National Environment Protection (Assessment of Site Contamination) Measure (National Environment Protection Council, 1999)



## MORNINGTON PENINSULA PLANNING SCHEME

13.04-2S

31/07/2018  
VC148

## Erosion and landslip

## Objective

To protect areas prone to erosion, landslip or other land degradation processes.

## Strategies

Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.

Prevent inappropriate development in unstable areas or areas prone to erosion.

Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.

## Policy guidelines

Consider as relevant:

- Any applicable regional catchment strategy
- Any special area plan approved under the Catchment and Land Protection Act 1994

## MORNINGTON PENINSULA PLANNING SCHEME

## 13.04-2L-01 Erosion and landslip ? Mornington and Flinders

22/07/2021  
C279morn

## Policy application

This policy applies to land affected by:

- Erosion Management Overlay Schedule 4 (EMO4).
- Erosion Management Overlay Schedule 5 (EMO5).

## Strategies

Encourage development on land that presents the least risk to property and life.

## Policy guidelines

Consider as relevant:

- Development should avoid:
  - Soakage pits and absorption trenches.
  - Significant cut or fill of slopes.
  - The removal of vegetation including the removal of roots of any felled vegetation.
  - Locating buildings on the public land east of The Esplanade Flinders.
- For land in proximity to Tanti Creek, Mornington:
  - Buildings should be setback at least 10 metres from the top of the creek bank.
  - Easement or reserves should be created along each side of Tanti Creek to facilitate the maintenance of the creek banks.
  - A corridor of indigenous riparian vegetation along Tanti Creek should be provided.
- Development should be discouraged if a geotechnical hazard and risk assessment shows that it has:
  - A 'loss of life risk' for the person most at risk that exceeds 1 in 100,000 per annum. This does not apply to a change to an existing structure that does not increase the building footprint or result in an overall change to footing loads but only if it has a risk that does not exceed '1 in 10,000 per annum.
  - A moderate or higher risk of loss to property as calculated in accordance with the table below

Likelihood of risk (with indicative value of approximate annual probability)	Consequences to property (with indicative approximate cost of damage as a percentage of the value of the property)				
	Catastrophic 200%	Major 60%	Medium 20%	Minor 5%	Insignificant 0.5%
Almost certain 1 in 10	Very high	Very high	Very high	High	Moderate (or Low if consequence < 0.1%)
Likely 1 in 100	Very high	Very high	High	Moderate	Low
Possible	Very high	High	Moderate	Moderate	Very low

## MORNINGTON PENINSULA PLANNING SCHEME

Likelihood of risk (with indicative value of approximate annual probability)	Consequences to property (with indicative approximate cost of damage as a percentage of the value of the property)				
	Catastrophic 200%	Major 60%	Medium 20%	Minor 5%	Insignificant 0.5%
1 in 1,000					
Unlikely 1 in 10,000	High	Moderate	Low	Low	Very low
Rare 1 in 100,000	Moderate	Low	Low	Very low	Very low
Barely credible 1 in a million	Low	Very low	Very low	Very low	Very low

## MORNINGTON PENINSULA PLANNING SCHEME

## 13.04-2L-02 Erosion and landship - Ballar Creek, Mount Eliza

22/07/2021  
C279morn

## Policy application

This policy applies to land affected by Erosion Management Overlay Schedule 3 (EMO3).

## Strategies

Ensure land degradation processes are not worsened.

Protect the environmental values of Ballar Creek.

## Policy guidelines

Consider as relevant:

- If development could potentially affect, or be affected by, landslip or erosion, it should, in order of preference, be located:
  - Outside land affected by EMO3.
  - On land in Zone I as shown in the incorporated document Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan, 11 July 2000.
  - On land in Zone II as shown in the incorporated document Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan, 11 July 2000.
  - On land in Zone III as shown in the incorporated document Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan, 11 July 2000.
  - On land in Zone IV as shown in the incorporated document Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan, 11 July 2000.
- Siting development in Zone III or Zone IV as shown in the incorporated document Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan, 11 July 2000, if it can be shown that:
  - The zoning of the site is inappropriate and either Zone I or Zone II is justified; or
  - Engineering works can be put in place to ensure the long-term slope stability risks are within normally acceptable limits.
- Planting the environs of Ballar Creek to form a corridor of indigenous riparian vegetation.

## Policy document

Consider as relevant:

- Landslide Zoning, Ballar Creek, Mount Eliza, Victoria (Coffey Geosciences 2000)

## MORNINGTON PENINSULA PLANNING SCHEME

13.04-3S

31/07/2018  
VC148

## Salinity

## Objective

To minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt load in rivers.

## Strategies

Identify areas subject to salinity in the preparation of planning schemes and land use planning decisions.

Promote vegetation retention and replanting in aquifer recharge areas contributing to groundwater salinity problems.

Prevent inappropriate development in areas affected by groundwater salinity.

## Policy guidelines

Consider as relevant:

- Any applicable regional catchment strategy and any associated implementation plan or strategy (particularly salinity management plans and regional vegetation plans).
- Any special area plan approved under the Catchment and Land Protection Act 1994.

## Policy documents

Consider as relevant:

- Salinity Information Kit: Volume 1 - A Local Government Planning Guide for Dryland Salinity (Department of Conservation and Natural Resources 1995)

MORNINGTON PENINSULA PLANNING SCHEME

13.05  
31/07/2018  
VC148

NOISE

## MORNINGTON PENINSULA PLANNING SCHEME

13.05-1S

10/06/2022  
VC216

## Noise management

## Objective

To assist the management of noise effects on sensitive land uses.

## Strategy

Ensure that developments not prejudiced and community amenity and human health is not adversely impacted by noise emissions.

Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

## Policy guidelines

Consider as relevant:

- The noise requirements in accordance with the Environment Protection Regulations under the Environment Protection Act 2017.

## Policy documents

Consider as relevant:

- Environment Protection Regulations under the Environment Protection Act 2017
- Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, May 2021)
- Environment Reference Standard (Gazette No. S 245, 26 May 2021)
- Passenger Rail Infrastructure Noise Policy (Victorian Government 2013)
- VicTrack Rail Development Interface Guidelines (VicTrack, 2019)

MORNINGTON PENINSULA PLANNING SCHEME

13.06  
31/07/2018  
VC148

AIR QUALITY



## MORNINGTON PENINSULA PLANNING SCHEME

13.06-1S

10/06/2022  
VC216

## Air quality management

## Objective

To assist the protection and improvement of air quality.

## Strategies

Ensure that land use planning and transport infrastructure provision contribute to improved air quality by:

- Integrating transport and land use planning to improve transport accessibility and connections.
- Locating key developments that generate high volumes of trips in the Central City, Metropolitan Activity Centres and Major Activity Centres.
- Providing infrastructure for walking, cycling and public transport.

Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital).

Minimise air pollutant exposure to occupants of sensitive land uses near the transport system through suitable siting, layout and design responses.

## Policy documents

Consider as relevant:

- Recommended separation distances for industrial residual air emissions (Publication 1518, Environment Protection Authority, March 2013)
- Environment Reference Standard (Gazette No. S 245, 26 May 2021)

MORNINGTON PENINSULA PLANNING SCHEME

MORNINGTON PENINSULA PLANNING SCHEME

13.07  
26/05/2020  
VC175

AMENITY, HUMAN HEALTH AND SAFETY

## MORNINGTON PENINSULA PLANNING SCHEME

13.07-1S

03/03/2023  
VC215

## Land use compatibility

## Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

## Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

## Policy documents

## Consider as relevant:

- Recommended separation distances for industrial residual air emissions (Publication 1518, Environment Protection Authority, March 2013).

## MORNINGTON PENINSULA PLANNING SCHEME

13.07-1L

22/07/2021  
C279morn

## Land use compatibility - Mornington Peninsula

## Policy application

This policy applies to non-residential use and development on land in the General Residential Zone, Neighbourhood Residential Zone or Low Density Residential Zone.

## Strategies

## Encourage non-residential uses to:

- Locate adjacent or close to commercial and industrial zones in a way that complements the relevant activity centre.
- Locate close to public transport stops.
- Avoid the generation of additional through traffic on residential streets.
- Provide a focal point for community services by, for example, adjoining existing or planned community or public facilities.

Encourage medical and veterinary centres to be located close to other health services or, if a small medical centre, integrated with a residential aged care facility or retirement village.

## Encourage the design and location of development for non-residential uses to include:

- Features to reduce noise and overlooking such as landscaping, screening and acoustic fencing.
- A buffer to adjoining residential development such as a landscaped setback or a road.

## MORNINGTON PENINSULA PLANNING SCHEME

13.07-2S

26/10/2018  
VC152

## Major hazard facilities

## Objective

To minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.

## Strategies

Ensure major hazard facilities are sited, designed and operated to minimise risk to surrounding communities and the environment.

Consider the risks associated with increasing the intensity of use and development within the threshold distance of an existing major hazard facility.

Apply appropriate threshold distances from sensitive land uses for new major hazard facilities and between major hazard facilities.

Protect registered or licenced major hazard facilities as defined under Regulation 5 of the Occupational Health and Safety Regulations 2017 from encroachment of sensitive land uses.

## MORNINGTON PENINSULA PLANNING SCHEME

13.07-3S

28/09/2020  
VC183

## Live music

## Objective

To encourage, create and protect opportunities for the enjoyment of live music.

## Strategies

Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.

Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

## Policy guidelines

Consider as relevant:

- The social, economic and cultural benefits to the community of:
  - Retaining an existing live music venue.
  - The development of new live music entertainment venues.
  - Clustering licensed premises and live music venues.

## MORNINGTON PENINSULA PLANNING SCHEME

14

31/07/2018  
VC148

## NATURAL RESOURCE MANAGEMENT

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and mineral to support both environmental quality and sustainable development.

Planning should ensure agricultural land is managed sustainably while acknowledging the economic importance of agricultural production.



MORNINGTON PENINSULA PLANNING SCHEME

14.01  
31/07/2018  
VC148

AGRICULTURE

## MORNINGTON PENINSULA PLANNING SCHEME

## 14.01-1S

20/03/2023  
VC229

## Protection of agricultural land

## Objective

To protect the state's agricultural base by preserving productive farmland.

## Strategies

Identify areas of productive agricultural land, including land for primary production and intensive agriculture.

Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.

Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.

Protect productive farmland that is of strategic significance in the local or regional context.

Protect productive agricultural land from unplanned loss due to permanent changes in land use.

Prevent inappropriately dispersed urban activities in rural areas.

Protect strategically important agricultural and primary production land from incompatible uses.

Limit new housing development in rural areas by:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability

Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.

Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

## MORNINGTON PENINSULA PLANNING SCHEME

14.01-1R

31/07/2018  
VC148

Protection of agricultural land - Metropolitan Melbourne

Strategy

Protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.

## MORNINGTON PENINSULA PLANNING SCHEME

14.01-1L

22/07/2021  
C279morn

Protection of agricultural land - Mornington Peninsula

Policy application

This policy applies to land in the Green Wedge Zone or Farming Zone.

Strategies

Avoid the encroachment of more sensitive land uses into recommended air or noise buffer distances which are established to insulate potentially offensive activities.

Ensure industrial uses are directly linked with rural activities, such as the processing and packaging of agricultural products grown in the area and the servicing of rural equipment.

Discourage development without an identified use.

Support the utilisation or replacement of existing buildings rather than development of new structures.

Ensure commercial uses are:

- Limited to those that have a direct link to either rural activities, accommodation, outdoor and unstructured recreation or the Peninsula's natural and cultural heritage values.
- Associated with a need or gap in the tourist industry
- Not dependent on the development of other residential or commercial activities on the land or in the locality.

Ensure restaurant uses are associated with at least one of the following:

- The production of food or wine on the subject property
- A significant recreation site.
- An established tourism node.
- The conservation of buildings with heritage value.

Avoid night-time operation of restaurant uses due to the potential impact on rural amenity from additional traffic, noise and light.

Ensure commercial or industrial uses and associated car parking are located to limit amenity impact on landscape character of the site and surrounding sensitive uses.

Policy guidelines

Consider as relevant:

- Locating commercial or industrial uses at least five kilometres from land in a residential zone.

## MORNINGTON PENINSULA PLANNING SCHEME

14.01-2S

21/09/2018  
VC150

Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

Strategies

Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.

Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.

Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.

Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.

Support agricultural investment through the protection and enhancement of appropriate infrastructure.

Facilitate ongoing productivity and investment in high value agriculture.

Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

Policy documents

Consider as relevant:

- Victorian Code for Cattle Feedlots (Department of Agriculture, Energy and Minerals, 1995)
- Victorian Code for Broiler Farms (Department of Primary Industries 2009, plus 2018 amendments)
- Apiary Code of Practice (Department of Planning and Community Development 2011)
- Planning Guidelines for Land Based Aquaculture in Victoria (Department of Primary Industries, No. 21, 2005)
- Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)
- Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)

## MORNINGTON PENINSULA PLANNING SCHEME

14.01-2L

22/07/2021  
C279morn

Sustainable agricultural land use ? Mornington Peninsula

Policy application

This policy applies to the development of poultry farms in the Green Wedge Zone or Farming Zone.

Strategies

Avoid the location of poultry farms in areas of high visual exposure such as the Arthurs Seat escarpment and southern slopes.

Avoid new poultry farms or extending existing poultry farms on land affected by the following schedule to the Environmental Significance Overlay:

- Schedule 1 (Moorooduc Plain and Balcombe Valley) but only in the area to the:
  - West of Moorooduc Highway, Moorooduc; or
  - North of Baxter-Toradin Road, Baxter
- Schedule 6 (Kangerong Basin).
- Schedule 7 (South Eastern Peninsula).
- Schedule 8 (Arthurs Seat Escarpment).
- Schedule 9 (Arthurs Seat Southern Slopes).
- Schedule 11 (South Eastern Basalt Slopes).
- Schedule 12 (Southern Basalt Slopes).

## MORNINGTON PENINSULA PLANNING SCHEME

14.01-3S

20/03/2023  
VC229

## Forestry and timber production

## Objective

To facilitate the establishment, management and harvesting of plantations and the harvesting of timber from native forests.

## Strategies

Identify areas that may be suitably used and developed for plantation timber production.

Promote the establishment of softwood and hardwood plantations on predominantly cleared land, as well as other areas that are subject to or contributing to land and water degradation.

Ensure protection of water quality and soil.

Ensure timber production in native forests is conducted in a sustainable manner

Conduct timber production (except agroforestry windbreaks and commercial plantations of 5 hectares or less) in accordance with the Code of Practice for Timber Production 2014 (as amended 2022) (Department of Environment, Land, Water and Planning, 2022).

Ensure Victoria's greenhouse sinks are protected and enhanced by controlling land clearing, containing the growth of urban areas and supporting revegetation programs.

## Policy documents

## Consider as relevant:

- Code of Practice for Timber Production 2014 (as amended 2022) (Department of Environment, Land, Water and Planning, 2022)

MORNINGTON PENINSULA PLANNING SCHEME

14.02  
31/07/2018  
VC148

WATER



## MORNINGTON PENINSULA PLANNING SCHEME

14.02-1S

22/11/2024  
VC263

## Catchment planning and management

## Objective

To assist the protection and restoration of catchments, waterways, estuaries, bays, waterbodies, groundwater and the marine environment.

## Strategies

Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.

Consider the impacts of catchment management on downstream water quality and freshwater coastal and marine environments.

Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.

Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.

Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways including the preservation of floodplain or other land for wetlands and retention basins.

Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Ensure land use and development minimises nutrient contribution to waterbodies and the potential for the development of algal blooms.

Require appropriate measures to restrict sediment discharges from construction sites.

Ensure planning is coordinated with the activities of catchment management authorities.

Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater

## Policy guidelines

Consider as relevant:

- Any regional catchment strategy and related plans approved under the Catchment and Land Protection Act 1994
- Any applicable implementation strategy approved by a catchment management authority or waterway management authority
- Any special area or management plan under the Heritage Rivers Act 1992
- Any action statement or management plan prepared under the Flora and Fauna Guarantee Act 1988

## Policy documents

Consider as relevant:

- Murray River Regional Environmental Plan No 2 (REP2) of New South Wales
- Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)

# MORNINGTON PENINSULA PLANNING SCHEME

- Planning Permit Applications in Special Water Supply Catchment Areas (Department of Energy, Environment and Climate Action, 2024)
- Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)

## MORNINGTON PENINSULA PLANNING SCHEME

14.02-2S

22/11/2024  
VC263

## Water quality

## Objective

To protect water quality.

## Strategies

Protect reservoirs, water mains and local storage facilities from potential contamination.

Ensure that land use activities potentially discharging contaminated runoff or waste to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.

Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.

Ensure that the siting, design, operation and rehabilitation of landfills avoids impacts on groundwater and surface water.

Avoid detrimental impacts on groundwater resources and minimise risk of harm to human health and the environment from proposed and use or development.

## Policy documents

Consider as relevant:

- Civil Construction Building and Demolition Guide (Publication 1834, Environment Protection Authority, November 2020)
- Environment Reference Standard (Gazette No. S 245, 26 May 2021)
- Planning Permit Applications in Special Water Supply Catchment Areas (Department of Energy, Environment and Climate Action, 2024)

## MORNINGTON PENINSULA PLANNING SCHEME

14.02-3S

28/10/2022  
VC224

Protection of declared irrigation districts

## Objective

To plan and manage for sustainable change within irrigation districts declared under Part 6A of the Water Act 1989

## Strategies

Identify and plan for the future needs of communities to adapt and adjust to strategic land use change within an irrigation district.

Ensure the future viability of an irrigation district by preventing non-agricultural use of land in a declared irrigation district where the land is serviced, or was serviced as at 17 September 2019, by rural water corporation irrigation infrastructure, unless the rural water corporation infrastructure has been, or is planned to be, decommissioned.

Ensure non-agricultural land use does not undermine the integrity of irrigation infrastructure and complement existing and future agricultural production.

Ensure land use change within an irrigation district does not negate the potential opportunities for a rural water corporation to make adjustments to the footprint of an irrigation district that are identified under an approved plan or strategy

Ensure land use change does not limit the ability of future investment in irrigation infrastructure that achieves the intended benefits of minimising water loss, and improved irrigation service efficiency to the farm gate and overall agricultural production.

## Policy documents

Consider as relevant:

- Water for Victoria (Department of Environment, Land, Water and Planning, 2016)
- Gippsland Region Sustainable Water Strategy (Department of Sustainability and Environment, 2011)
- Western Region Sustainable Water Strategy (Department of Sustainability and Environment, 2011)
- Northern Region Sustainable Water Strategy (Department of Sustainability and Environment, 2009)
- Central Region Sustainable Water Strategy (Department of Sustainability and Environment, 2006)
- Victorian Government White Paper, Securing Our Water Future Together – Our Water, Our Future (Department of Sustainability and Environment, 2004)

MORNINGTON PENINSULA PLANNING SCHEME

14.03  
31/07/2018  
VC148

EARTH AND ENERGY RESOURCES

## MORNINGTON PENINSULA PLANNING SCHEME

## 14.03-1S

19/08/2021  
VC196

## Resource exploration and extraction

## Objective

To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards.

## Strategies

Provide for the long-term protection of natural resources in Victoria.

Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.

Recognise the possible need to provide infrastructure including transport networks, for the exploration and extraction of natural resources.

Ensure planning schemes do not impose conditions on the use or development of land that are inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Geothermal Energy Resources Act 2005, or the Petroleum Act 1998.

Develop and maintain buffers around mining and extractive industry activities.

Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.

Determine buffer areas between extractive activities and sensitive land uses on the following considerations:

- Appropriate limits on effects can be met at the sensitive locations using practical and available technology.
- Whether a change of land use in the vicinity of the extractive industry is proposed.
- Use of land within the buffer area is not limited by adverse effects created by the extractive activities.
- Performance standards identified under the relevant legislation.
- Types of activities within land zoned for public use.

Identify and protect extractive industry resources within Strategic Extractive Resource Areas, based on their current or potential contribution to state supply, access to supporting transport networks and proximity to demand markets.

Facilitate the use and development of Strategic Extractive Resource Areas for extractive industries and other compatible land uses.

Protect the brown coal resource in Central Gippsland by ensuring that:

- Changes in use and development of land overlying coal resources as generally defined in Framework for the Future (Minister for Industry, Technology and Resources and Minister for Planning and Environment, 1987) and the Land Over Coal and Buffer Area Study (Ministry for Planning and Environment, 1988), do not compromise the winning or processing of coal.
- Coal-related developments adequately separated from residential or other sensitive uses and main transport corridors by buffer areas to minimise adverse effects such as noise, dust, fire, earth subsidence and visual intrusion.
- Use and development within the buffer areas are compatible with use and development adjacent to these areas.
- Ensure that the use and development of land for extractive industry responds to potential environmental risks and maintains or improves the quality of the air, land, acoustic and water environments.

## MORNINGTON PENINSULA PLANNING SCHEME

## Policy documents

## Considerasrelevant:

- Mineral Resources(SustainableDevelopment)Act 1990
- GreenhouseGasGeologicalSequestrationAct 2008
- GeothermalEnergy ResourcesAct 2005
- PetroleumAct 1998
- MelbourneSupplyArea - ExtractiveIndustryInterestAreasReview(GeologicalSurveyof Victoria TechnicalRecord,2003/2)
- Ballarat SupplyArea - ExtractiveIndustryInterestAreas(GeologicalSurveyof Victoria TechnicalRecord,1997/3)
- BendigoSupplyArea - ExtractiveIndustryInterestAreas(GeologicalSurveyof Victoria TechnicalRecord,1998/6)
- GeelongSupplyArea - ExtractiveIndustryInterestAreas(GeologicalSurveyof Victoria TechnicalRecord,1999/2)
- La TrobeSupplyArea - ExtractiveIndustryInterestAreas(GeologicalSurveyof Victoria TechnicalRecord,1999/4)
- StrategicExtractiveResourceAreasPilot Project Report(Victorian Government2020)

## MORNINGTON PENINSULA PLANNING SCHEME

15

10/06/2022  
VC216

## BUILT ENVIRONMENT AND HERITAGE

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, natural, scientific and cultural value.

Planning should incorporate measures to protect culturally significant heritage places in locations exposed to climate related hazards.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote excellence in the built environment and create places that:

- Are enjoyable, engaging and comfortable to be in.
- Support human health and community wellbeing.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community
- Enhance the function, amenity and safety of the public realm.

Planning should promote development that is environmentally sustainable and minimised detrimental impact on the built and natural environment.

Planning should facilitate development that:

- Is adapted and resilient to climate related hazards.
- Supports the transition to net zero greenhouse gas emissions.
- Minimises waste generation and supports resource recovery
- Conserves potable water
- Supports the use of, and access to, low emission forms of transport.
- Protects and enhances natural values.
- Minimises off-site detrimental impact on people and the environment.



MORNINGTON PENINSULA PLANNING SCHEME

15.01

31/07/2018  
VC148

BUILT ENVIRONMENT

## MORNINGTON PENINSULA PLANNING SCHEME

15.01-1S

31/07/2018  
VC148

## Urban design

## Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

## Strategies

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments facilitating accessibility and providing for inclusiveness.

Ensure the interface between the private and public realm protects and enhances personal safety

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.

Ensure that the design and location of publicly accessible private spaces including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development including signs, minimises detrimental impacts on amenity on the natural and built environment and on the safety and efficiency of roads.

Promote good urban design along and abutting transport corridors.

## Policy documents

## Consider as relevant:

- Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)

## MORNINGTON PENINSULA PLANNING SCHEME

15.01-1R

31/07/2018  
VC148

Urban design - Metropolitan Melbourne

Objective

To create a distinctive and liveable city with quality design and amenity

Strategies

Support the creation of well-designed places that are memorable, distinctive and liveable.

Integrate placemaking practices into road space management.

Strengthen Melbourne's network of boulevards.

Create new boulevards in urban-growth areas and selected existing road corridors across Melbourne.

Provide space and facilities that encourage and support the growth and development of Melbourne's cultural precincts and creative industries.

## MORNINGTON PENINSULA PLANNING SCHEME

### 15.01-1L

22/07/2021  
C279morn

#### Urban design - Mornington Peninsula

##### Strategies

Avoid signs that protrude above the height of the building, including any parapet.

Give preference to freestanding pole signs over signs attached to buildings.

Encourage signs that relate to the address, business name or type of business conducted on the premises.

Avoid animated signs such as those with flashing or moving lights.

Avoid bunting signs except for use in display yards or as a temporary sign.

Avoid the use of fluorescent or reflective paints that result in visually obtrusive effects.

## MORNINGTON PENINSULA PLANNING SCHEME

## 15.01-2S

01/01/2024  
VC250

## Building design

## Objective

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

## Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.

Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Improve the energy performance of buildings through siting and design measures that encourage:

- Passive design responses that minimise the need for heating, cooling and lighting.
- On-site renewable energy generation and storage technology
- Use of low embodied energy materials.

Restrict the provision of reticulated natural gas in new dwelling development.

Ensure the layout and design of development supports resource recovery including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.

Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.

Encourage water efficiency and the use of rainwater, stormwater and recycled water

Minimise stormwater discharge through siting layout and landscaping measures that support on-site infiltration and stormwater reuse.

Ensure the form, scale and appearance of development enhances the function and amenity of the public realm.

Ensure buildings and their interface with the public realm support personal safety perceptions of safety and property security

Ensure developments designed to protect and enhance valued landmarks, views and vistas.

Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.

Encourage development to retain existing vegetation.

Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

## Policy documents

Consider as relevant:

- Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)
- Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2021)
- Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019)

## MORNINGTON PENINSULA PLANNING SCHEME

## 15.01-2L-01 Building design – Mornington Peninsula

25/01/2024  
C303morn

## Policy application

This policy applies to land in an Industrial Zone.

## Strategies

Encourage the redevelopment of older and underutilised industrial sites to make effective use of available infrastructure and improve the amenity of adjoining areas.

Support retail or office uses in industrial areas that are:

- Ancillary to an industrial use on the same site (such as manufacturing sales).
- Intended primarily to provide services to the industrial area (such as food premises or industry supplies).
- Restricted retail premises that require large display and storage areas and where the use cannot be reasonably located in existing commercial activity centres.

Minimise access routes that may cause intrusion of industrial traffic into residential areas.

Support the provision of landscaping using native vegetation of local origin where appropriate, that contributes positively to the appearance of industrial development and provides screening of industrial activity.

Encourage siting of security fencing behind landscaping to reduce visual impact.

Avoid locating industrial developments such as material recycling yards, motor wrecking yards, demolition yards, concrete batching plants and plant and equipment that are visually obtrusive on main roads or in proximity to residential or commercial areas.

Support the design of new industrial areas that incorporate lots that facilitate buildings that front, rather than back onto, adjoining roads and other public areas.

Support building design that is orientated towards adjoining roads and public spaces by:

- Avoiding blank building façades and incorporating windows and other design elements.
- Locating office components at the front of the building.
- Incorporating façades that address both streets on corner buildings.

## Policy guidelines

Consider as relevant:

- Development proposals should provide:
  - Screening for external storage areas.
  - Screening for all structures above the building roofline.
  - Waste material storage bins in locations that enable effective screening and convenient collection or emptying of such bins.
  - Safe pedestrian movement between buildings and parking areas.
  - Emergency access.
- Setting back buildings from the primary road frontage:

## MORNINGTON PENINSULA PLANNING SCHEME

- In accordance with the established building line for the road.
- A minimum of 15 metres, with the first 9 metres set aside for landscaping. This setback may be reduced to 9 metres if the land does not adjoin a Transport Zone 2 or Transport Zone 3 and the maximum building height does not exceed 4.5 metres within 15 metres of the frontage.
- Setting back buildings a minimum of 5 metres from a side road, with the setback area set aside for landscaping.
- Setting back buildings a minimum of 20 metres from residentially-zoned lots.
- Providing a landscaped area with a minimum of 20 per cent of the site area that includes the frontage setback landscape area but excludes any area that has a dimension of less than 3 metres.
- Providing a landscaped area with a minimum dimension of 10 metres along lot boundaries that are adjacent to either a residentially-zoned lot or any lot occupied by a school or institutional use.
- Designing buildings with a maximum height of 10 metres.
- Providing lot sizes of a minimum 2,000 square metres, with a minimum road frontage of at least 30 metres.
- Constructing the external walls and pitched roofing of buildings using concrete masonry brick, colour-treated steel cladding or other non-reflective materials.

## MORNINGTON PENINSULA PLANNING SCHEME

## 15.01-2L-02 Environmentally sustainable development

25/01/2024  
C303morn

## Policy application

This policy applies to residential and non-residential development excluding subdivision, in accordance with the thresholds detailed in this policy.

## Objective

To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

## Strategies

Achieve Best Practice environmentally sustainable development that:

- Is relevant to the type and scale of development;
- Responds to site opportunities and constraints;
- Utilises a combination of locally available techniques, methodologies and systems that have demonstrated to achieve optimum ESD outcomes and
- Encompass the full life of the build.

## Energy performance

Reduce both energy use and energy peak demand through design measures such as:

- Building orientation.
- Shading to glazed surfaces.
- Optimising glazing to exposed surfaces.
- Inclusion of or space allocation for renewable technologies.

## Integrated water management

Reduce total operating potable water use through appropriate design measures such as water efficient fixtures, appliances, equipment, irrigation and landscaping.

Encourage the appropriate use of alternative water sources (including greywater, rainwater and stormwater).

Incorporate best practice water sensitive urban design to improve the quality of stormwater runoff and reduce impacts on water systems and water bodies.

## Indoor environment quality

Achieve a healthy indoor environment quality, including thermal comfort and access to fresh air and daylight, prioritising passive design over mechanical heating, ventilation, cooling and lighting.

Reduce indoor air pollutants by encouraging use of low-toxicity materials.

Minimise noise levels and noise transfer within and between buildings and associated external areas.

## Transport

Design development to promote the use of walking, cycling and public transport, in that order; and minimise car dependency.

Promote the use of low emissions vehicle technologies and supporting infrastructure.



## MORNINGTON PENINSULA PLANNING SCHEME

## Waste management

Promote waste avoidance, reuse and recycling during the design, construction and operation stages of development.

Encourage use of durable and reuseable building materials.

Ensure sufficient space is allocated for future change in waste management needs including (where possible) composting and green waste facilities.

## Urban ecology

Protect and enhance biodiversity by incorporating natural habitats and planting indigenous vegetation.

Reduce urban heat island effects through building design, landscape design, water sensitive urban design and the retention and provision of canopy and significant trees.

Encourage the provision of space for productive gardens particularly in larger residential developments.

## Policy guidelines

Consider as relevant:

## Residential

A Sustainable Design Assessment (including an assessment using BESS, STORM or other methods) for:

- 2-9 dwellings
- A building used for accommodation other than dwellings with a gross floor area between 250sqm and 1000sqm
- An extension to a building used for accommodation other than dwellings with a gross floor area of between 250sqm and 1000sqm.

A Sustainability Management Plan (including an assessment using BESS/Greenstar, STORM/MUSIC or other methods) and a Green Travel Plan for:

- 10 or more dwellings.
- A building used for accommodation other than dwellings with a gross floor area of more than 1,000sqm.
- An extension to an existing building used for accommodation other than a dwelling with a gross floor area of more than 1,000sqm.

## Non-residential

A Sustainable Design Assessment (including an assessment using BESS and STORM/MUSIC or other methods) for:

- A non-residential building with a gross floor area of 300sqm to 1000sqm.
- An extension to an existing non-residential building creating between 300sqm to 1,000sqm of additional gross floor area (excluding outbuildings).

A Sustainability Management Plan (including an assessment using BESS/Greenstar, STORM/MUSIC or other methods) and a Green Travel Plan for:

- A non-residential building with a gross floor area of more than 1,000sqm.
- An extension to an existing non-residential building creating more than 1,000sqm of additional gross floor area (excluding outbuildings).

## MORNINGTON PENINSULA PLANNING SCHEME

## Mixed use

Applicable assessment for the residential and non-residential components of the development.

Consider as relevant the following tools to support a Sustainable Design Assessment or Sustainability Management Plan:

- Sustainable Design Assessment in the Planning Process (IMAP, 2015)
- Built Environment Sustainability Scorecard 'BESS' (Council Alliance for a Sustainable Built Environment CASBE, 2015)
- GreenStar (Green Building Council of Australia)
- Model for Urban Stormwater Improvement Conceptualisation 'MUSIC' (Melbourne Water)
- Nationwide House Energy Rating Scheme NatHERS (Department of Climate Change and Energy Efficiency)
- Stormwater Treatment Objective- Relative Measure 'STORM' (Melbourne Water)
- Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)
- Waste Management and Recycling in Multi-Unit Developments Better Practice Guide (Sustainability Victoria, 2018).

## Commencement

This policy does not apply to applications received by the responsible authority before the gazettal date of Amendment C232.

## Expiry

This policy will expire when it is superseded by a comparable provision of the Victorian Planning Provisions.

15.01-3S

01/01/2024  
VC250

## Subdivision design

## Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

## Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing habitat for native flora and fauna, and providing opportunities for people to experience nature in urban areas.

## MORNINGTON PENINSULA PLANNING SCHEME

- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.
- Reducing car dependency by allowing for:
  - Convenient and safe public transport.
  - Safe and attractive spaces and networks for walking and cycling.
  - Subdivision layouts that allow easy movement within and between neighbourhoods.
  - A convenient and safe road network.
- Minimising exposure of sensitive uses to air and noise pollution from the transport system.
- Being accessible to people with disabilities.
- Creating an urban structure that:
  - Responds to climate related hazards.
  - Incorporates integrated water management including sustainable irrigation of open space.
  - Minimises peak demand on the electricity network.
  - Supports energy efficiency and solar energy generation through urban layout and lot orientation.
  - Supports waste minimisation and increased resource recovery
- Providing utilities and services that support the uptake of renewable energy technologies such as microgrids and energy storage systems including batteries.
- Providing all-electric lots.

Policy documents

Considered relevant:

- Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)

## MORNINGTON PENINSULA PLANNING SCHEME

15.01-4S

31/07/2018  
VC148

## Healthy neighbourhoods

## Objective

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

## Strategies

Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
- Streets with direct, safe and convenient access to destinations.
- Conveniently located public spaces for active recreation and leisure.
- Accessibly located public transport stops.
- Amenities and protection to support physical activity in all weather conditions.

## Policy documents

## Consider as relevant:

- Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)

## MORNINGTON PENINSULA PLANNING SCHEME

15.01-4R

31/07/2018  
VC148

Healthy neighbourhoods - Metropolitan Melbourne

Strategy

Create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

## MORNINGTON PENINSULA PLANNING SCHEME

15.01-5S

09/10/2020  
VC169

## Neighbourhood character

## Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

## Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character

Ensure the preferred neighbourhood character is consistent with medium and high density housing outcomes in areas identified for increased housing.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.

# MORNINGTON PENINSULA PLANNING SCHEME

15.01-6S

31/07/2018  
VC148

Design for rural areas

Objective

To ensure development respects valued areas of rural character

Strategies

Ensure that the siting, scale and appearance of development protects and enhances rural character

Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new developments sympathetically located.

Site and design development to minimise visual impact on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

15.01-6L

22/07/2021  
C279morn

Design for rural areas - Mornington Peninsula

Policy application

This policy applies to land in the Green Wedge Zone and Farming Zone.

Strategies

Avoid contributing to linear strip development particularly along main roads and tourist routes.

MORNINGTON PENINSULA PLANNING SCHEME

15.02  
10/06/2022  
VC216

[NO CONTENT]



MORNINGTON PENINSULA PLANNING SCHEME

15.02-1S [NO CONTENT]

10/06/2022  
VC216

MORNINGTON PENINSULA PLANNING SCHEME

15.03  
31/07/2018  
VC148

HERITAGE

## MORNINGTON PENINSULA PLANNING SCHEME

15.03-1S

26/10/2018  
VC155

## Heritage conservation

## Objective

To ensure the conservation of places of heritage significance.

## Strategies

Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources.

Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings where their use has become redundant.

Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

## Policy guidelines

Consider as relevant:

- The findings and recommendations of the Victorian Heritage Council.
- The Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance 2013.

## MORNINGTON PENINSULA PLANNING SCHEME

## 15.03-1L-01 Heritage conservation ? Mornington Peninsula

22/07/2021  
C279morn

## Policy application

This policy applies to an application to use or develop land that is:

- Affected by a Heritage Overlay; or
- Abutting a Heritage Overlay

## Strategies

For land affected by a Heritage Overlay:

- Discourage any demolition in advance of a planning permit for replacement development.
- Support landscaping that enhances the historic cultural landscape character of the heritage place.
- Ensure signs are appropriate to the period and style of the heritage place.
- Facilitate opportunities for public access and on-site interpretation of heritage places, where appropriate.
- Where demolition is considered appropriate support:
  - The recording and documentation of heritage significance such as the use of photographic records.
  - The salvage, reuse, display and time capsuling of materials and artefacts of historic value.
- Support the continued original use of a building by enabling it to be upgraded to meet present day requirements and standards.
- Support an alternative use when the original use is no longer viable or is inconsistent with a heritage management plan.

For land abutting a Heritage Overlay:

- Ensure development respects the values of the heritage place in terms of architectural form and layout including setbacks, size, height, materials, landscaping and colours.
- Support the replacement of non-contributory buildings with new development that responds positively to the historic context provided by any nearby heritage place.

## MORNINGTON PENINSULA PLANNING SCHEME

## 15.03-1L-02 Heritage conservation ? Ranelagh Estate, Mount Eliza

22/07/2021  
C279morn

## Policy application

This policy applies to land in the Ranelagh Estate, Mount Eliza as shown on the map to this clause.

## Objectives

To respect the heritage values of the Ranelagh Estate.

To conserve the Ranelagh Estate as a distinctive local landscape and a significant heritage place.

To ensure new development and subdivision proposals have proper regard to heritage values within the Ranelagh Estate.

## Strategies

## Subdivision

Avoid further subdivision of lots or realignment of lot boundaries that is not consistent with the original subdivision plan of the Ranelagh Estate, including boundaries of private, public and commercial land parcels. The original subdivision plan consists of the following plans:

- LP 10716
- LP 10717
- LP 10718

## Buildings and works

Avoid buildings or works that would:

- Give the appearance of more than one dwelling on a lot.
- Alter or impact upon the natural site contours and drainage patterns.
- Require the removal of mature trees or other important cultural landscape elements such as hedges.
- Significantly increase the site coverage of buildings on a lot.
- Be visually intrusive against the landscape.

## Roads and verges

Conserve the curvilinear street pattern and rounded street corners, generous verges on corners and both sides of the roads, and landscaped traffic islands.

Conserve the original hierarchy of road reserves, with Wimbledon Avenue the widest at 100 feet (33 metres) and the remainder at 50 feet (16.5 metres).

Ensure vehicular access and traffic management measures are coordinated throughout the Estate and are designed to enhance its cultural heritage significance.

## Open space

Conserve open space in accordance with the original objectives of the Griffin design plan, including:

- Avoiding subdivision of reserves for private use.
- Conserving and maintaining public access to reserves.
- Restoring features of the open space system that have been lost or obscured or function has become less obvious.
- Avoiding solid fences or other structures that would create a solid visual barrier along the common boundaries between houses and internal reserves.

## MORNINGTON PENINSULA PLANNING SCHEME

## Landscape and plantings

Conserve significant and mature trees and significant avenue plantings.

Restore historic plantings schemes that have become compromised or damaged.

Restore indigenous vegetation in locations where it is a significant feature within the Estate.

## Views

Conserve views and glimpses of the sea from the public domain, including those through private property and the Ranelagh Club.

Protect important view corridors.

Avoid the removal or pruning of significant trees to improve views from private property

## Village centre

Discourage commercial uses from locating in land within a residential zone.

Avoid using the land set aside for open space adjoining the commercial area for additional car parking or other non-recreational uses.

## Interpretation

Encourage development of the Ranelagh Estate that will help define its boundaries and entrances so that it is evident and readable in the landscape as a Griffin garden suburb estate.

## Policy guidelines

Consider as relevant:

- Supporting opportunities for interpretation and presentation.

## Policy document

Consider as relevant:

- Recognising the Heritage of Ranelagh: Conservation Management Plan for the Ranelagh Estate, Mount Eliza (Context, S. Blair, D. Helms & C. Dyson, 2009)

# MORNINGTON PENINSULA PLANNING SCHEME

## Ranelagh Estate Policy Area



## MORNINGTON PENINSULA PLANNING SCHEME

15.03-2S

31/07/2018  
VC148

## Aboriginal cultural heritage

## Objective

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

## Strategies

Identify, assess and document places of Aboriginal cultural heritage significance in consultation with relevant Registered Aboriginal Parties as a basis for their inclusion in the planning scheme.

Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

## Policy guidelines

Consider as relevant:

- The findings and recommendations of the Aboriginal Heritage Council.
- The findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places.

## Policy documents

Consider as relevant:

- Aboriginal Heritage Act 2006



## MORNINGTON PENINSULA PLANNING SCHEME

16

31/07/2018  
VC148

## HOUSING

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include the provision of land for affordable housing.

MORNINGTON PENINSULA PLANNING SCHEME

16.01

31/07/2018  
VC148

RESIDENTIAL DEVELOPMENT

## MORNINGTON PENINSULA PLANNING SCHEME

16.01-1S

20/12/2021  
VC174

## Housing supply

## Objective

To facilitate well-located, integrated and diverse housing that meets community needs.

## Strategies

Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Identify opportunities for increased residential densities to help consolidate urban areas.

Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Encourage the development of well-designed housing that:

- Provides a high level of internal and external amenity
- Incorporates universal design and adaptable internal dwelling design.

Support opportunities for a range of income groups to choose housing in well-served locations.

Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

## Policy documents

## Consider as relevant:

- Homes for Victorians - Affordability, Access and Choice (Victorian Government 2017)
- Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2021)

## MORNINGTON PENINSULA PLANNING SCHEME

16.01-1R

09/10/2020  
VC169

Housing supply - Metropolitan Melbourne

## Strategies

Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:

- In and around the Central City.
- Urban-renewal precincts and sites.
- Areas for residential growth.
- Areas for greyfield renewal, particularly through opportunities for land consolidation.
- Areas designated as National Employment and Innovation Clusters.
- Metropolitan activity centres and major activity centres.
- Neighbourhood activity centres - especially those with good public transport connections.
- Areas near existing and proposed railway stations that can support transit-oriented development.

Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.

Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.

Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.

Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.

Create mixed-use neighbourhoods at varying densities that offer more choice in housing.

## MORNINGTON PENINSULA PLANNING SCHEME

16.01-2S

09/10/2020  
VC169

## Housing affordability

## Objective

To deliver more affordable housing close to jobs, transport and services.

## Strategies

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community
- Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.

Increase the supply of well-located affordable housing by:

- Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.
- Ensuring the redevelopment and renewal of public housing stock better meets community needs.

Facilitate the delivery of social housing by identifying surplus government land suitable for housing.

## Policy documents

Consider as relevant:

- Homes for Victorians - Affordability, Access and Choice (Victorian Government 2017)

## MORNINGTON PENINSULA PLANNING SCHEME

16.01-3S

09/10/2020  
VC169

## Rural residential development

## Objective

To identify land suitable for rural residential development.

## Strategies

Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.

Demonstrate need and identify locations for rural residential development through a housing and settlement strategy

Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:

- Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.
- Protecting existing landscape values and environmental qualities such as water quality, native vegetation biodiversity and habitat.
- Minimising or avoiding property servicing costs carried by local and state governments.
- Maintaining an adequate buffer distance between rural residential development and animal production.

Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.

Discourage development of small lots in rural zones for residential use or other incompatible uses.

Encourage consolidation of existing isolated small lots in rural zones.

Ensure land is only zoned for rural residential development where it:

- Is located close to existing towns and urban centres but not in areas that will be required for fully serviced urban development.
- Can be supplied with electricity, water and good quality road access.

## MORNINGTON PENINSULA PLANNING SCHEME

16.01-4S

04/11/2022  
VC226

## Community care accommodation

## Objective

To facilitate the establishment of community care accommodation and support their location being kept confidential.

## Strategies

Planning schemes should not require a planning permit for or prohibit the use of land in a residential area for community care accommodation provided no more than 20 clients are accommodated and the use is funded by, or carried out by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.

Facilitate the confidential establishment of community care accommodation through appropriate permit, notice and review exemptions.

## MORNINGTON PENINSULA PLANNING SCHEME

16.01-5S

09/10/2020  
VC169

## Residential aged care facilities

## Objective

To facilitate the development of well-designed and appropriately located residential aged care facilities.

## Strategies

Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.

Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass).

Ensure local housing strategies, precinct structure plans and activity centre structure plans provide for residential aged care facilities.

Ensure that residential aged care facilities are located in residential areas, activity centres and urban renewal precincts, close to services and public transport.

Encourage planning for housing that:

- Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.
- Enables older people to live in appropriate housing in their local community

Provide for a mix of housing for older people with appropriate access to care and support services.

Ensure that proposals to establish residential aged care facilities early in the life of a growth area are in locations that will have early access to services and public transport.

Ensure that residential aged care facilities are designed to respond to the site and its context.

Promote a high standard of urban design and architecture in residential aged care facilities.

## Policy guidelines

Consider as relevant:

- The Commonwealth Government's Responsibilities for the provision of aged care places under the Aged Care Act 1997.



## MORNINGTON PENINSULA PLANNING SCHEME

17

31/07/2018  
VC148

### ECONOMIC DEVELOPMENT

Planning is to provide for a strong and innovative economy where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

MORNINGTON PENINSULA PLANNING SCHEME

17.01

31/07/2018  
VC148

EMPLOYMENT

# MORNINGTON PENINSULA PLANNING SCHEME

17.01-1S

31/07/2018  
VC148

Diversified economy

Objective

To strengthen and diversify the economy

Strategies

Protect and strengthen existing and planned employment areas and plan for new employment areas.

Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.

Facilitate growth in a range of employment sectors including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.

Improve access to jobs close to where people live.

Support rural economies to grow and diversify.

## MORNINGTON PENINSULA PLANNING SCHEME

17.01-1R

03/03/2023  
VC215

Diversified economy - Metropolitan Melbourne

## Strategies

Support the Central City to become Australia's largest commercial and residential centre by 2050, by planning for office, retail, residential, education, health, entertainment and cultural activity spaces.

Plan for the redevelopment of Major Urban-Renewal Precincts in and around the Central City to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses.

Facilitate the development of National Employment and Innovation Clusters by ensuring they:

- Have a high level of amenity to attract businesses and workers.
- Are supported by good public transport services and integrated walking and cycling paths.
- Maximise investment opportunities for the location of knowledge intensive firms and jobs.

Support the employment and servicing role of Health and Education Precincts by:

- Focussing on improving access particularly public transport access.
- Encouraging co-location of facilities to better utilise existing infrastructure.
- Supporting and facilitating growth of associated businesses and industries.
- Reinforcing their specialised economic functions while also providing opportunities for ancillary retail, commercial accommodation and supporting services.

Support diverse employment generating uses including offices, innovation and creative industries in identified areas within regionally significant industrial precincts where compatible with adjacent uses and well connected to transport networks.

Consider how land use change proposals can respond to local and regional employment demand or identify how it can be accommodated elsewhere.

Plan for industrial land in suitable locations to support employment and investment opportunities.

Facilitate investment in Melbourne's outer areas to increase local access to employment.

# MORNINGTON PENINSULA PLANNING SCHEME

17.01-1R

03/03/2023  
VC215

Diversified economy - Metropolitan Melbourne - Southern Metro Region

Support the development of higher-order knowledge-based jobs and businesses in growth areas in mixed use precincts that directly support local economic activity and employment.

## MORNINGTON PENINSULA PLANNING SCHEME

17.01-2S

04/10/2018  
VC149

## Innovation and research

## Objective

To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.

## Strategies

Encourage the expansion and development of logistics and communications infrastructure.

Support the development of business clusters.

Support the development of enterprise precincts that build the critical mass of employment in an area, leverage the area's public and private sector economic competitive strengths and assets and cater to a diversity of employment types and scales.

Promote an accessible, well-connected, high-amenity and collaborative physical environment that is conducive to innovation and to creative activities.

Encourage the provision of infrastructure that helps people to be innovative and creative, learn new skills and start new businesses in locations identified to accommodate employment and economic growth.

Support well-located, appropriate and low-cost premises for not-for-profit or start-up enterprises.

Improve access to community-based information and training through further developing libraries as community learning centres.

MORNINGTON PENINSULA PLANNING SCHEME

17.02  
31/07/2018  
VC148

COMMERCIAL

## MORNINGTON PENINSULA PLANNING SCHEME

17.02-1S

15/03/2024  
VC256

## Business

## Objective

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

## Strategies

Plan for an adequate supply of commercial land in appropriate locations.

Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

Locate commercial facilities in existing or planned activity centres.

Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.

Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.

Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.

Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.

Regulate the use and development of land for a sex services premises in commercial and mixed use areas in the same way as for other types of shop.

Ensure that planning for the use and development of land for a sex services premises and home based business is consistent with decriminalisation of sex work and provides for the reduction of discrimination against, and harm to, sex workers.



## MORNINGTON PENINSULA PLANNING SCHEME

17.02-2S

31/07/2018  
VC148

## Out-of-centre development

## Objective

To manage out-of-centre development.

## Strategies

Discourage proposals for expansion of single use retail, commercial and recreation facilities outside activity centres.

Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreation facilities.

Discourage large sports and entertainment facilities of metropolitan, state or national significance in out-of-centre locations unless they are on the Principal Public Transport Network and in locations that are highly accessible to their catchment of users.

Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

MORNINGTON PENINSULA PLANNING SCHEME

17.03

31/07/2018  
VC148

INDUSTRY

## MORNINGTON PENINSULA PLANNING SCHEME

17.03-1S

03/03/2023  
VC215

## Industrial land supply

## Objective

To ensure availability of land for industry

## Strategies

Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.

Identify land for industrial development in urban growth areas where:

- Good access for employees freight and road transport is available.
- Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.

Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.

Preserve locally significant industrial land for industrial or employment generating uses, unless long-term demand for these uses can be demonstrably met elsewhere.

Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

## Policy documents

Consider as relevant:

- Recommended separation distances for industrial residual air emissions (Publication 1518, Environment Protection Authority, March 2013)

## MORNINGTON PENINSULA PLANNING SCHEME

## 17.03-1L

22/07/2021  
C279morn

## Industrial land supply ? Mornington Peninsula

## Policy application

This policy applies to land in an Industrial Zone.

## Strategies

Ensure the subdivision of land provides lots that can accommodate a range of industrial uses, accounting for industrial storage and access requirements.

Avoid out-of-centre commercial developments that undermine the activity centre hierarchy as specified in Clause 02.03-1, particularly along main roads.

Ensure the location of industrial development does not generate industrial through traffic on residential roads.

## Policy guidelines

## Consider as relevant:

- Each lot created by the subdivision of land in an industrial zone be at least 2,000 square metres.
- The proposed siting of buildings, car parking areas, accessways, landscaping and other design elements where it is proposed to create lots with an area of less than 2,000 square metres.

## MORNINGTON PENINSULA PLANNING SCHEME

17.03-2S

03/03/2023  
VC215

## Sustainable industry

## Objective

To facilitate the sustainable operation of industry

## Strategies

Ensure that industrial activities requiring substantial threshold distances are relocated in the core of industrial areas.

Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.

Minimise inter-industry conflict and encourage like industries to locate within the same area.

Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.

Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.

Support the retention of small-scale industries servicing established urban areas through appropriate zoning.

Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

## Policy documents

## Consider as relevant:

- Recommended separation distances for industrial residual air emissions (Publication 1518, Environment Protection Authority, March 2013)

## MORNINGTON PENINSULA PLANNING SCHEME

17.03-3S

03/03/2023  
VC215

State significant industrial land

Objective

To protect industrial land of state significance.

Strategies

Protect state significant industrial precincts from incompatible land uses to allow for future growth.  
State significant industrial precincts include but are not limited to:

- Southern Industrial Precinct- Dandenong South.
- Northern Industrial Precinct- Campbellfield, Somerton and Thomastown.
- Western Industrial Precinct- Laverton North and Derrimut.
- Officer/ Pakenham Industrial Precinct.
- Port of Hastings Industrial Precinct.

Ensure sufficient availability of strategically located land for major industrial development, particularly for industries and storage facilities that require significant threshold distances from sensitive or incompatible uses.

Protect heavy industrial areas from inappropriate development and maintain adequate buffer distances from sensitive or incompatible uses.

Policy documents

Consider as relevant:

- Melbourne Industrial and Commercial Land Use Plan (Department of Environment, Land, Water and Planning, 2020)

## MORNINGTON PENINSULA PLANNING SCHEME

17.03-3R

03/03/2023  
VC215

Regionally significant industrial land - Metropolitan Melbourne

## Objective

To protect industrial land of regional significance and facilitate continual growth in freight, logistics and manufacturing investment.

To support the transition from manufacturing and uses to other employment uses in strategically identified areas well connected to transport networks.

# MORNINGTON PENINSULA PLANNING SCHEME

17.03-3R  
03/03/2023  
VC215

Regionally significant industrial land - Metropolitan Melbourne - Southern Metro Region

## Strategy

Protect industrial land at Clayton South, Moorabbin, Moorabbin Airport, Braeside, Carrum Downs, Seaford, Cranbourne West and Casey Fields South by:

- Retaining existing industrial zoned land predominately for industrial uses.
- Limiting encroachment by incompatible and non-industrial uses that would fragment this land and compromise business growth and operation.



MORNINGTON PENINSULA PLANNING SCHEME

MORNINGTON PENINSULA PLANNING SCHEME

17.04  
31/07/2018  
VC148

TOURISM

## MORNINGTON PENINSULA PLANNING SCHEME

17.04-1S

31/07/2018  
VC148

## Facilitating tourism

## Objective

To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

## Strategies

Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.

Seek to ensure that tourism facilities have access to suitable transport.

Promote tourism facilities that preserve are compatible with and build on the assets and qualities of surrounding activities and attractions.

Create innovative tourism experiences.

Encourage investment that meets demand and supports growth in tourism.

## Policy guidelines

Consider as relevant:

- Any applicable regional tourism development strategy

## Policy documents

Consider as relevant:

- Tourism Investment Guidelines – Your Guide to Tourism Investment in Victoria (Tourism Victoria, 2008)

## MORNINGTON PENINSULA PLANNING SCHEME

17.04-1R

31/07/2018  
VC148

Tourism in Metropolitan Melbourne

## Objective

To maintain and develop Metropolitan Melbourne as a desirable tourist destination.

## Strategies

Maintain Metropolitan Melbourne's position as a global, national and local destination in its own right and as a gateway to regional Victoria by:

- Developing city precincts and promenades.
- Revitalising the retail core of the Central City.
- Supporting artistic and cultural life.
- Improving public facilities, amenities and access.
- Maintaining city safety
- Providing information and leisure services.
- Improving transport infrastructure.

## MORNINGTON PENINSULA PLANNING SCHEME

17.04-2S

20/03/2023  
VC229

## Coastal and maritime tourism and recreation

## Objective

To encourage a diverse range of strategically located and well-designed coastal and maritime tourism and recreation opportunities that strengthen people's connection with the marine and coastal environment.

## Strategies

Support safe and sustainable recreation and tourism development including ecotourism, tourism and major maritime events that:

- Respond to identified demand.
- Minimises impact on environmental and cultural values.
- Minimises impact on other users.
- Minimises direct and cumulative impacts.
- Maintains public safety
- Respond to the carrying capacity of the site.
- Minimises exposure to coastal hazard risks and risks posed by climate change.

Ensure a diverse range of accommodation options and coastal experiences are provided for and maintained.

Ensure sites and facilities are accessible to all.

Ensure tourism development within non-urban areas demonstrate a tourist accommodation need and support a nature-based approach.

Ensure developments of an appropriate scale, use and intensity relative to its location and minimises impact on the surrounding natural, visual, environmental and coastal character

Develop a network of maritime precincts around Port Phillip and Western Port that serve both local communities and visitors.

Maintain and expand boating and recreational infrastructure around the bays in maritime precincts at Frankston, Geelong, Hastings, Hobsons Bay, Mordialloc, Mornington, Patterson River, Portarlington, Queenscliff, St Kilda, Stony Point/Cowesand Wyndham.

Support a sustainable network of facilities for recreation boating and water-based activities that respond to:

- Identified demand.
- Use and safety considerations.
- The carrying capacity of the location.
- Coastal processes.
- Environmental values.

Strategically plan and operate ports to complement each other in the context of the broader economy transport networks and the maritime and coastal environments within which they are regulated.

Provide public access to recreation facilities and activities on land and water

## Policy guidelines

Consider as relevant:

- Coastal Spaces and Landscape Assessment Study (Department of Sustainability and Environment, 2006)

## MORNINGTON PENINSULA PLANNING SCHEME

- Gippsland Boating Coastal Action Plan 2013- Gippsland Coastal Board
- Recreational Boating Facilities Framework July 2014- Central Coastal Board
- Western Boating Coastal Action Plan 2010- Western Coastal Board

Policy documents

Considered relevant:

- Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)
- Marine and Coastal Strategy (Department of Environment, Land, Water and Planning, 2022)
- Siting and Design Guidelines on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020)

## MORNINGTON PENINSULA PLANNING SCHEME

18

09/12/2021  
VC204

## TRANSPORT

Planning should ensure a safe, integrated and sustainable transport system that:

- Provides access to social and economic opportunities to support individual and community wellbeing.
- Facilitates economic prosperity
- Actively contributes to environmental sustainability
- Facilitates network-wide efficient, coordinated and reliable movements of people and goods.
- Supports health and wellbeing.

MORNINGTON PENINSULA PLANNING SCHEME

18.01

09/12/2021  
VC204

LAND USE AND TRANSPORT



## MORNINGTON PENINSULA PLANNING SCHEME

## 18.01-1S

09/12/2021  
VC204

## Land use and transport integration

## Objective

To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.

## Strategies

Plan and develop a transport system that facilitates:

- Social and economic inclusion for all people and builds community wellbeing.
- The best use of existing social and economic infrastructure.
- A reduction in the distances people have to travel to access jobs and services.
- Better access to, and greater mobility within, local communities.
- Network-wide efficiency and coordinated operation.

Plan land use and development to:

- Protect existing transport infrastructure from encroachment or detriment that would impact on the current or future function of the asset.
- Protect transport infrastructure that is in delivery from encroachment or detriment that would impact on the construction or future function of the asset.
- Protect planned transport infrastructure from encroachment or detriment that would impact deliverability or future operation.
- Protect identified potential transport infrastructure from being precluded by land use and development.

Plan land use and development to allow for the ongoing improvement and development of the State Transport System in the short and long term.

Plan movement networks and adjoining land use to minimise disruption to residential communities and their amenity.

Plan the timely delivery of transport infrastructure and services to support changing land use and associated transport demands.

Plan improvements to public transport, walking and cycling networks to coordinate with the ongoing development and redevelopment of urban areas.

Plan the use of land adjacent to the transport system having regard to the current and future development and operation of the transport system.

Reserve land for strategic transport infrastructure to ensure the transport system can be developed efficiently to meet changing transport demands.

Support urban development that makes jobs and services more accessible:

- In accordance with forecast demand.
- By taking advantage of all available modes of transport.

Protect existing and facilitate new walking and cycling access to public transport.

Locate major government and private sector investments in regional cities and centres on major transport corridors to maximise the access and mobility of communities.

Design neighbourhoods to:

- Better support active living.
- Increase the share of trips made using sustainable transport modes.
- Respond to the safety needs of all users.

## MORNINGTON PENINSULA PLANNING SCHEME

Design the transport system and adjacent areas to achieve visual outcomes that are responsible to local context with particular reference to:

- Landscaping.
- The placement of signs.
- Providing buffer zones and resting places.

Policy documents

Considered relevant:

- Movement and Place in Victoria (Department of Transport, February 2019)
- Delivering the Goods, Creating Victorian Jobs: Victorian Freight Plan (Department of Economic Development, Jobs, Transport and Resources, July 2018)

## MORNINGTON PENINSULA PLANNING SCHEME

18.01-2S

09/12/2021  
VC204

## Transport system

## Objective

To facilitate the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system.

## Strategies

Plan and develop a transport system integrated across all movement network that:

- Facilitate the efficient, coordinated and reliable movement of people and goods at all times.
- Optimise transport system capacity
- Improves connectivity and facilitate the growth and development of regional Victoria.
- Improves connectivity between Victoria's regional cities and metropolitan Melbourne.
- Ensure sufficient capacity for the movement of passengers into and out of Victoria at Principal Transport Gateways.
- Improves how goods are moved to local, interstate and overseas markets.
- Maximises access to residential areas, employment, markets, services and recreation.
- Improves local transport options to support 20-minute neighbourhoods in Melbourne's suburbs and Victoria's regional cities and towns.
- Is legible and enables easy access and movement between modes.

Plan movement networks that share the same space to do so in a way that balances the needs of the different users of the transport system.

Plan and develop the State Transport System comprising the:

- Principal Bicycle Network: Existing and future high quality cycling routes that provide access to major destinations and facilitate cycling for transport, sport, recreation and fitness.
- Principal Public Transport Network: Existing and future high quality public transport routes in the Melbourne metropolitan area.
- Regional Rail Network: Existing and future passenger rail routes in regional Victoria.
- Principal Road Network: Declared arterial roads and freeways under the Road Management Act 2004.
- Principal Freight Network: Existing and future corridors and precincts where the movement of high volumes of freight are concentrated or of strategic value.
- Principal Transport Gateways: Existing and future ports, airports and interstate terminals that serve as key locations for moving passengers and freight into, out of and around Victoria.

Facilitate delivery of:

- Declared major transport projects and their ancillary projects that are of economic, social or environmental significance to the State of Victoria.
- Transport projects that improve the State Transport System.

## Policy documents

Consider as relevant:

- Movement and Place in Victoria (Department of Transport, February 2019)

# MORNINGTON PENINSULA PLANNING SCHEME

## State Transport System – Metropolitan Melbourne Plan



## MORNINGTON PENINSULA PLANNING SCHEME

### State Transport System – Regional Victoria Plan



## MORNINGTON PENINSULA PLANNING SCHEME

18.01-3S

09/12/2021  
VC204

## Sustainable and safe transport

## Objective

To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.

## Strategies

Plan and develop the transport system to:

- Maximise the efficient use of resources including infrastructure, land, services and energy.
- Prepare for and adapt to climate change impacts.
- Prioritise the use of sustainable personal transport.
- Protect, conserve and improve the natural environment by supporting forms of transport, energy use and transport technologies that have the least environmental impact.
- Avoid, minimise and offset harm to the environment by:
  - Protecting biodiversity.
  - Reducing transport-related greenhouse gas emissions.

Plan the transport system to be safe by:

- Developing safe transport infrastructure.
- Optimising accessibility, emergency access, service and amenity.
- Separating pedestrians, bicycles and motor vehicles, where practicable.
- Reducing the need for cyclists to mix with other road users.
- Supporting road users to make safe choices through design and wayfinding techniques.
- Prioritising transport safety when designing high-speed roads and intersections.

Support forms of transport and energy use that have the greatest benefit for, and least negative impact on, health and wellbeing.

Design the transport system to be accessible to all users.

Design new suburbs to respond to the safety, health and wellbeing needs of all road users.

Design development to promote walking, cycling and the use of public transport, in that order, and minimise car dependency.

## Policy documents

Consider as relevant:

- Victorian Road Safety Strategy 2021-2030 (Department of Transport, 2021)

MORNINGTON PENINSULA PLANNING SCHEME

18.01-3R

09/12/2021  
VC204

Sustainable and safe transport - Metropolitan Melbourne

Strategies

Improve local travel options for walking and cycling to support 20 minute neighbourhoods.

MORNINGTON PENINSULA PLANNING SCHEME

18.02  
31/07/2018  
VC148

MOVEMENT NETWORKS



## MORNINGTON PENINSULA PLANNING SCHEME

18.02-1S

09/12/2021  
VC204

## Walking

## Objective

To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

## Strategies

Plan and develop walking networks to:

- Provide pedestrian routes that are safe, direct and comfortable to use.
- Enable walking as a part of everyday life.
- Enable people to meet more of their needs locally and rely less on their cars.
- Be accessible to vehicles that use footpaths, including wheelchairs, prams and scooters.
- Accommodate emerging forms of low-emission, low-speed personal transport.

Develop principal pedestrian networks for local areas that link with the transport system.

Provide walking infrastructure in all major transport projects.

Design walking routes to be comfortable by providing shelter from the sun through canopy trees, verandahs and other structures.

Design direct, comfortable and connected walking infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.

## Policy documents

Consider as relevant:

- Guidelines for developing Principal Pedestrian Networks (Department of Economic Development, Jobs, Transport and Resources 2015)

## MORNINGTON PENINSULA PLANNING SCHEME

18.02-2S

09/12/2021  
VC204

## Cycling

## Objective

To facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.

## Strategies

Plan and develop cycling networks to:

- Provide routes that are safe, comfortable, low-stress and well connected.
- Enable cycling as a part of everyday life.
- Enable people to meet more of their needs locally by cycling and to rely less on their cars.
- Accommodate emerging forms of low emission, low and moderate speed personal transport.

Protect and develop the Principal Bicycle Network to provide high-quality cycling routes that are direct and connected to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.

Develop Strategic Cycling Corridors by:

- Integrating them with stations and major interchanges on the public transport network that serve places of state significance.
- Integrating them with the central city, national employment and innovation clusters, major activity centres and other destinations of metropolitan or state significance.
- Facilitating safer, lower stress and more direct journeys using a combination of cycleways, cycle paths and shared streets.
- Providing the most direct route practical.
- Designing transport corridors to prioritise cycling links and cyclists.

Protect Strategic Cycling Corridors from encroachment by development and incompatible interface treatments such as crossovers.

Support increased cycling by providing:

- Cycling routes and cycling infrastructure early in new development and in all major transport projects.
- Cycle parking and related end of trip facilities to meet demand at education, recreation, transport, shopping, commercial, public transport interchanges and community facilities, significant trip generating developments and other major attractions.
- Facilities for cyclists, particularly storage at public transport interchanges and rail stations.
- Vegetation to shade cycling routes.

## Policy documents

Consider as relevant:

- Principal Bicycle Network (Vic Roads 2012)
- Strategic Cycling Corridors (Department of Transport 2021)
- Victorian Cycling Strategy 2018-28 (Transport for Victoria)

## MORNINGTON PENINSULA PLANNING SCHEME

18.02-2R

09/12/2021  
VC204

Cycling - Metropolitan Melbourne

Strategies

Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network

## MORNINGTON PENINSULA PLANNING SCHEME

18.02-3S

09/12/2021  
VC204

## Public transport

## Objective

To facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.

## Strategies

Plan and develop public transport to:

- Connect activity centres, job-rich areas and outer suburban areas.
- Enable people to not have to rely on cars for personal transport.
- Integrate bus and tram networks and stops and public transport interchange in new development areas including key urban renewal precincts and outer-suburban areas.
- Integrate with land use and development in outer suburban and growth areas.

Protect and develop the Principal Public Transport Network and Regional Rail Network to facilitate:

- High quality public transport services that support increased diversity and density of development, particularly at interchanges, activity centres and where Principal Public Transport Network routes intersect.
- Modern commuter-style public transport services that link Melbourne with the regional growth areas of Geelong, Bendigo, Ballarat, Seymour and Traralgon.
- Service improvements to other regional and rural areas.
- A metro-style rail system that provides a very high frequency of service in the Melbourne metropolitan area.
- A new high quality orbital rail (Suburban Rail Loop) through Melbourne's middle suburbs.
- A balance between the rail usage needs of public transport and freight.

Facilitate public transport infrastructure in all major transport projects.

Allocate adequate land and infrastructure to support public transport provision in activity centres, transport interchanges and major commercial, retail and community facilities.

Locate higher density and increased development on or close to the Principal Public Transport Network in a way that does not compromise the efficiency of the Principal Public Transport Network.

Support development that facilitates the delivery and operation of public transport services.

## Policy documents

Consider as relevant:

- Principal Public Transport Network (State Government of Victoria, 2017)
- VicTrack Rail Development Interface Guidelines (VicTrack, 2019)
- Public Transport Guidelines for Land Use Development (Department of Transport, 2008)

## MORNINGTON PENINSULA PLANNING SCHEME

18.02-3R

09/12/2021  
VC204

## Principal Public Transport Network

## Strategies

Facilitate high-quality public transport access to job-rich areas.

Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.

Identify and plan for new Principal Public Transport Network routes.

Support the Principal Public Transport Network with a comprehensive network of local public transport.

Plan for local bus services to provide for connections to the Principal Public Transport Network.

Improve the operation of the Principal Public Transport Network by providing for:

- A metro-style rail system.
- Extended tram lines and the establishment of a light rail system.
- Roadspace management measures including transit lanes, clearways, stops and interchanges.

## MORNINGTON PENINSULA PLANNING SCHEME

## 18.02-4S

20/03/2023  
VC229

## Roads

## Objective

To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

## Strategies

Plan and develop the road network to:

- Ensure people are safe on and around roads.
- Improve people's perceptions of safety on and around roads.
- Improve road connections for all road users.
- Facilitate the use of public transport, cycling and walking.
- Integrate new and emerging technologies into road design, including the increasing connectivity and automation of vehicles.
- Accommodate the expansion of the High Productivity Freight Vehicle Network, and oversize and overmass vehicles.

Protect and develop the Principal Road Network to:

- Provide high mobility for through traffic and the efficient movement of freight by facilitating adequate movement capacity and speeds.
- Improve cross-town arterial links in outer suburbs and growth areas including circumferential and radial movement to facilitate access to jobs and services.
- Limit access points to high-volume, high-speed roads by utilising urban design techniques such as service roads and internal connector roads.
- Improve high-capacity on-road public transport.

Develop declared freeway to:

- Link Melbourne with major regional cities, major interstate locations and other key locations important to the economy along major national and state transport corridors.
- Connect and provide access to Principal Transport Gateways and freight-generating areas.
- Improve connections to national employment and innovation clusters.
- Connect dispersed major residential areas with key destinations and lower density employment areas.
- Avoid private access except for service centres.

Provide for grade separation at railway crossings except with the approval of the Minister for Transport and Infrastructure.

Improve Melbourne's distinctive, established boulevards by developing a connected, contemporary network of boulevards within the urban growth boundary

Design road space to complement and use and meet business and community needs through the provision of wider footpaths, bicycle lanes, transit lanes (for buses and commercial passenger vehicles) and freight routes, in line with the designated role of the road.

Design roads to facilitate the safe movement of people and goods while providing places for people to interact and gather in high pedestrian areas like activity centres around schools and around community facilities.

Plan an adequate supply of car parking that is designed and located to:

- Protect the role and function of nearby roads.

## MORNINGTON PENINSULA PLANNING SCHEME

- Enable the efficient movement and delivery of goods.
- Facilitate the use of public transport.
- Maintain journey times and the reliability of the on-road public transport network.
- Protect residential areas from the effects of road congestion created by on-street parking.
- Enable easy and efficient use.
- Achieve a high standard of urban design.
- Protect the amenity of the locality, including the amenity of pedestrians and other road users.
- Create a safe environment particularly at night.

Allocate land for car parking considering:

- The existing and potential modes of access including public transport.
- The demand for off-street car parking.
- Road capacity
- The potential for demand-management of car parking.

Consolidate car parking facilities to improve efficiency

Design public car parks to incorporate electric charging facilities to support the use of low-emission vehicles.

Policy documents

Consider as relevant:

- Victorian Road Safety Strategy 2021-2030 (Department of Transport, 2021)
- Movement and Place in Victoria (Department of Transport, February 2019)

## MORNINGTON PENINSULA PLANNING SCHEME

18.02-4L

09/12/2021  
VC204

Road system - Mornington Peninsula

Policy application

This policy applies to land in the Green Wedge Zone or Farming Zone.

Strategies

Avoid a proliferation of access points along highways, main roads and tourist routes.

Policy guideline

Consider as relevant:

- Sites proposed for commercial or industrial activities should have access to an existing sealed road of a suitable standard.



## MORNINGTON PENINSULA PLANNING SCHEME

18.02-5S

09/12/2021  
VC204

## Freight

## Objective

To facilitate an efficient, coordinated, safe and sustainable freight and logistics system that enhances Victoria's economic prosperity and liveability.

## Strategies

Plan and develop Victoria's freight and logistics system to:

- Support the movement of freight within Victoria's freight and logistics system.
- Improve freight efficiency and capacity
- Manage negative impacts of freight generating activities on urban amenity, the development of urban areas and on the efficient operation of movement networks.
- Prioritise new technologies that enhance road and rail safety, optimise the metropolitan road network, better manage congestion and reduce supply chain costs.
- Accommodate High Productivity Freight Vehicles, and oversize and overmass vehicles.
- Increase the capacity of the rail network to carry larger volumes of freight.

Protect and develop the Principal Freight Network, including freight movement corridors and freight places, and Principal Transport Gateways by:

- Facilitating the movement of high volumes of freight and freight of strategic value.
- Linking areas of production and manufacturing to national and international gateways and export markets.
- Increasing the capacity of Principal Transport Gateways and supporting their use and development as important locations for employment and economic activity.
- Designing the Principal Freight Network to adapt to commodity market and operating changes.
- Managing encroachment from incompatible land use and development that would undermine its ability to operate.

Support the development of freight and logistics precincts in strategic locations within and adjacent to Principal Transport Gateways and along the Principal Freight Network movement corridors by:

- Allocating land for complementary uses and employment-generating activities, such as distribution and warehousing.
- Reserving and appropriately zoning land for interstate freight terminals to support development that allows for the direct and immediate delivery of goods to market.
- Allocating land to allow high-volume freight customers to locate adjacent to interstate freight terminals, including the Western Interstate Freight Terminal and the Beveridge Interstate Freight Terminal.

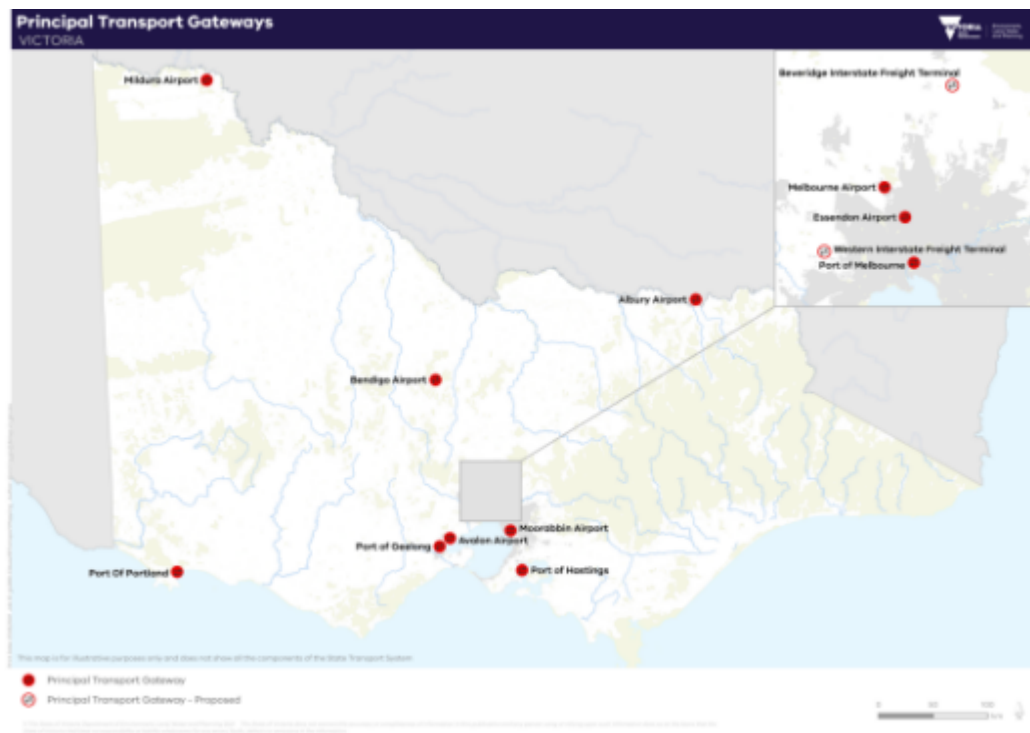
## Policy documents

Consider as relevant:

- Principal Freight Network (Department of Transport, 2021)
- Principal Transport Gateways (Department of Transport, 2021)
- Delivering the Goods, Creating Victorian Jobs: Victorian Freight Plan (Department of Economic Development, Jobs, Transport and Resources, July 2018)

## MORNINGTON PENINSULA PLANNING SCHEME

### Principal Transport Gateways



## MORNINGTON PENINSULA PLANNING SCHEME

18.02-5R

09/12/2021  
VC204

Freight links - Metropolitan Melbourne

Strategy

Ensuresuitablesitesareprovidedfor intermodalfreight terminalsat key locations aroundMetropolitanMelbourne,particularlyfor theBeveridgeInterstateFreightTerminaland theWesternInterstateFreightTerminal.

## MORNINGTON PENINSULA PLANNING SCHEME

18.02-6S

09/12/2021  
VC204

## Ports

## Planning for ports objective

To support the effective and competitive operation of Victoria's commercial trading ports at local, national and international levels, and to facilitate their ongoing sustainable operation and development.

## Planning for ports strategies

Provide for the ongoing development of ports at Melbourne, Geelong, Hastings and Portland in accordance with approved Port Development Strategies.

Identify and protect key transport corridors linking ports to the broader transport network.

Manage any impacts of a commercial trading port and any related industrial development on nearby sensitive uses to minimise the impact of vibration, light spill, noise and air emissions from port activities.

## Planning for port environs objective

To plan for and manage land near commercial trading ports so that development and use are compatible with port operations and provide reasonable amenity expectations.

## Planning for port environs strategies

Protect commercial trading ports from encroachment of sensitive and incompatible land uses in the port environs.

Plan for and manage land in the port environs to accommodate uses that depend upon, or gain significant economic advantage from, proximity to the port's operations.

Ensure that industrially zoned land within the environs of a commercial trading port is maintained and continues to support the role of the port as a critical freight and logistics precinct.

Identify and protect key transport corridors linking ports to the broader transport network.

Ensure any new use or development within the environs of a commercial trading port does not prejudice the efficient and curfew-free operations of the port.

Ensure that the use and intensity of development does not expose people to unacceptable health or safety risks and consequences associated with an existing major hazard facility.

Ensure that any use or development within port environs:

- Is consistent with policies for the protection of the environment.
- Takes into account planning for the port.

## Policy documents

## Consider as relevant:

- Statement of Planning Policy No 1 - Western Port (1970-varied 1976)
- 2018 Port Development Strategy (Port of Hastings Development Authority, December 2018)
- Port of Geelong Port Development Strategy 2018 (Victorian Regional Channels Authority, 2018)
- 2050 Port Development Strategy 2020 edition (Port of Melbourne, 2020)
- Port of Portland – Port Development Strategy (Port of Portland, 2019)

## MORNINGTON PENINSULA PLANNING SCHEME

## 18.02-7S

18/05/2022  
VC218

## Airports and airfields

## Objective

To strengthen the role of Victoria's airports and airfields within the state's economic and transport infrastructure, guide their siting and expansion and safeguard their ongoing, safe and efficient operation.

## Strategies

Protect airports and airfields from incompatible land use and development.

Prevent land use or development that poses risks to the safety or efficiency of an airport or airfield, including any of the following risks:

- Building-generated windshear and turbulence.
- Increased risk of wildlife strike.
- Pilot distraction from lighting.
- Intrusion into protected airspace.
- Interference with communication, navigation and surveillance facilities.
- Increased risk to public safety at the end of runways.

Minimise the detrimental effects of aircraft noise when planning for areas around airports and airfields.

Limit the intensification of noise-sensitive land uses and avoid zoning or overlay changes that allow noise-sensitive land use and development where ultimate capacity or long-range noise modelling indicates an area is within a 20 Australian Noise Exposure Forecast (ANEF) contour or higher.

Avoid zoning or overlay changes that allow noise-sensitive land uses outside the Urban Growth Boundary, and encourage measures to reduce the impact of aircraft noise in planning for areas within the Urban Growth Boundary where ultimate capacity or long-range noise modelling indicates an area is within 'number above' contours (N Contours) representing:

- 20 or more daily events greater than 70 dB(A).
- 50 or more daily events of greater than 65 dB(A).
- 100 or more daily events greater than 60 dB(A).
- 6 events or more between the hours of 11pm to 6am greater than 60 dB(A).

Ensure land use and development at airports and airfields contributes to the aviation needs of the state and the efficient and functional operation of the airport or airfield.

Ensure land use and development at airports complements the role of the airport including as listed below:

- Melbourne Airport – major domestic and international airport with no curfew, 24-hour access, freight capability and an adjoining employment precinct.
- Avalon Airport – domestic and international airport with no curfew, 24-hour access, freight capability and an adjoining employment precinct.
- Essendon Fields Airport – a general aviation airport that is an important regional and state aviation asset with specialised functions, including executive charter, emergency aviation services, freight, logistics and an adjoining employment precinct.

## MORNINGTON PENINSULA PLANNING SCHEME

- Moorabbin Airport – a general aviation airport that is an important regional and state aviation asset supporting the state's aviation industry and access to regional Victoria.
- Point Cook Airfield – an operating airport complementary to Moorabbin Airport.

Plan for areas around airports and airfields so that land use or development does not prejudice future airport or airfield operations or expansions in accordance with an approved strategy or master plan for that airport or airfield.

Preserve long-term options for a new general aviation airport south-east of metropolitan Melbourne by ensuring urban land use and development does not infringe on possible sites, buffer zones or flight paths.

Avoid the location of new airports and airfields in areas that have greater long-term value to the community for other purposes.

Ensure that in the planning of airports and airfields, land use decisions are integrated appropriate land use buffers are in place and provision is made for associated businesses that service airports.

Plan the location of airports and airfields, nearby existing and potential development and the land-based transport system required to serve them, as an integrated operation.

Plan the visual amenity and impact of any land use or development on the approach to an airport or airfield to be consistent with the status of the airport or airfield.

Policy documents

Consider as relevant:

- National Airports Safeguarding Framework (as agreed by Commonwealth, State and Territory Ministers at the meeting of the Standing Council on Transport and Infrastructure on 18 May 2012)
- Avalon Airport Master Plan (Avalon Airport Australia Pty Ltd, 2015)
- Avalon Airport Strategy (Department of Business and Employment/Aerospace Technologies of Australia, 1993) and its associated Aircraft Noise Exposure Concepts
- Melbourne Airport Strategy (Government of Victoria/Federal Airports Corporation, approved 1990) and its associated Final Environmental Impact Statement

18.02-7R

20/03/2023  
VC229

Melbourne Airport

Strategies

Protect the curfew-free status of Melbourne Airport and ensure any new use or development does not prejudice its operation or optimum usage.

Policy documents

Consider as relevant:

- Melbourne Airport Master Plan 2022 (Australia Pacific Airports (Melbourne) Pty Ltd)
- Melbourne Airport Strategy (Government of Victoria/Federal Airports Corporation, approved 1990) and its associated Final Environmental Impact Statement

## MORNINGTON PENINSULA PLANNING SCHEME

19

10/06/2022  
VC216

## INFRASTRUCTURE

Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

Planning is to recognise social needs by providing land for a range of accessible community resources such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.

Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure including the setting aside of land for the construction of future transport routes.

Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic and use planning.

Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance including communication networks and energy generation and distribution systems.

Infrastructure planning should avoid, minimise and offset environmental impacts and incorporate resilience to natural hazards including future climate change risks.

Planning authorities should consider the use of development and infrastructure contributions in the funding of infrastructure.

MORNINGTON PENINSULA PLANNING SCHEME

19.01  
31/07/2018  
VC148

ENERGY



## MORNINGTON PENINSULA PLANNING SCHEME

19.01-1S

14/08/2023  
VC236

## Energy supply

## Objective

To facilitate appropriate development of energy supply infrastructure.

## Strategies

Support the development of energy generation, storage, transmission and distribution infrastructure to transition to a low-carbon economy.

Develop appropriate infrastructure to meet community demand for energy services.

Ensure energy generation, storage, transmission and distribution infrastructure and projects are resilient to the impacts of climate change.

Facilitate the production and distribution of zero emission gases and fuels.

Support energy infrastructure projects in locations that minimise land use conflicts and that take advantage of existing resources and infrastructure networks.

Facilitate energy infrastructure projects that help diversify local economies and improve sustainability and social outcomes.

Facilitate renewable energy generation and storage to meet on-site energy needs.

## Policy guidelines

Consider as relevant:

- The long-term emissions reduction targets specified in section 6 of Part 2 of the Climate Change Act 2017.
- Interim emissions reduction targets determined under Division 2 of Part 2 of the Climate Change Act 2017.
- Adaptation action plans prepared under Division 2 of Part 5 of the Climate Change Act 2017.

## MORNINGTON PENINSULA PLANNING SCHEME

19.01-2S

28/10/2022  
VC224

## Renewable energy

## Objective

To support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met.

## Strategies

Facilitate renewable energy development in appropriate locations.

Protect renewable energy infrastructure against competing and incompatible uses.

Set aside suitable land for future renewable energy infrastructure.

Consider the economic, social and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.

Support wind energy facilities in locations with consistently strong winds over the year

## Policy documents

## Consider as relevant:

- Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (Department of Environment, Land, Water and Planning, November 2021)
- Solar Energy Facilities Design and Development Guideline (Department of Environment, Land, Water and Planning, October 2022)
- Victoria's Climate Change Strategy (Department of Environment, Land, Water and Planning, May 2021)
- Community Engagement and Benefit Sharing in Renewable Energy Development in Victoria (Department of Environment, Land, Water and Planning, July 2021)

## MORNINGTON PENINSULA PLANNING SCHEME

19.01-2R

31/07/2018  
VC148

Renewable energy - Metropolitan Melbourne

Strategy

Facilitate the uptake of renewable energy technologies on a site-by-site and neighbourhood level during the master planning of new communities and in green wedge and peri-urban areas.

## MORNINGTON PENINSULA PLANNING SCHEME

19.01-3S

31/07/2018  
VC148

## Pipeline infrastructure

## Objective

To ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.

## Strategies

Plan for the development of pipeline infrastructure subject to the Pipelines Act 2005.

Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.

Plan new pipelines along routes with adequate buffers to residences, zoned residential land and other sensitive land uses and with minimal impact on waterways, wetlands, flora and fauna, erosion-prone areas and other environmentally sensitive sites.

Provide for environmental management during construction and on-going operation of pipeline easements.

MORNINGTON PENINSULA PLANNING SCHEME

19.02  
31/07/2018  
VC148

COMMUNITY INFRASTRUCTURE

## MORNINGTON PENINSULA PLANNING SCHEME

19.02-1S

31/07/2018  
VC148

## Health facilities

## Objective

To assist the integration of health facilities with local and regional communities.

## Strategies

Facilitate the location of health and health-related facilities (including acute health, aged care, disability services and community care facilities) taking into account demographic trends, the existing and future demand requirements and the integration of services into communities.

Plan public and private developments together, where possible, including some degree of flexibility in use.

Locate hospitals and other large health facilities in designated health precincts and areas highly accessible to public and private transport.

Provide adequate car parking for staff and visitors of health facilities.

## MORNINGTON PENINSULA PLANNING SCHEME

19.02-1R

31/07/2018  
VC148

Health precincts - Metropolitan Melbourne

## Strategies

Facilitate health and community wellbeing precincts through the co-location of:

- Hospitals, allied health services and not-for-profit health providers at the regional level.
- General practitioners, community health facilities, allied health services and not-for-profit health providers at the neighbourhood level.

Create health precincts in new suburbs in or close to town centres.

Ensure health precincts are well serviced by community services.

## MORNINGTON PENINSULA PLANNING SCHEME

19.02-2S

29/09/2022  
VC222

## Education facilities

## Objective

To assist the integration of education and early childhood facilities with local and regional communities.

## Strategies

Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.

Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.

Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.

Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities.

Recognise that primary and secondary education facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass).

Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.

Locate tertiary education facilities within or adjacent to activity centres.

Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.

Consider the existing and future transport network and transport connectivity

Develop libraries as community based learning centres.

Co-locate a kindergarten facility with all new Victorian Government primary schools.



MORNINGTON PENINSULA PLANNING SCHEME

19.02-2R

31/07/2018  
VC148

Education precincts - Metropolitan Melbourne

Strategy

Ensure education precincts are well serviced by community services.

## MORNINGTON PENINSULA PLANNING SCHEME

19.02-3S

31/07/2018  
VC148

## Cultural facilities

## Objective

To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.

## Strategies

Encourage a wide range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres in the Central City and at Metropolitan Activity Centres.

Reinforce the existing major precincts for arts, sports and major events of statewide appeal.

Establish new facilities at locations well served by public transport.

MORNINGTON PENINSULA PLANNING SCHEME

19.02-3R

31/07/2018  
VC148

Cultural facilities - Metropolitan Melbourne

Strategies

Maintain and strengthen Melbourne's distinctiveness as a leading cultural and sporting city with world-class facilities.

## MORNINGTON PENINSULA PLANNING SCHEME

19.02-4S

31/07/2018  
VC148

## Social and cultural infrastructure

## Objective

To provide a fairer distribution of and access to, social and cultural infrastructure.

## Strategies

Identify and address gaps and deficiencies in social and cultural infrastructure including additional regionally significant cultural and sporting facilities.

Encourage the location of social and cultural infrastructure in activity centres.

Ensure social infrastructure is designed to be accessible.

Ensure social infrastructure in growth areas is delivered early in the development process and in the right locations.

Plan and design community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.

Support innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline.

Identify and protect land for cemeteries and crematoria.

## MORNINGTON PENINSULA PLANNING SCHEME

19.02-5S

31/07/2018  
VC148

### Emergency services

#### Objective

To ensure suitable locations for police, fire, ambulance and other emergency services.

#### Strategies

Ensure police, fire, ambulance and other emergency services are provided for in or near activity centres.

Locate emergency services together in newly developing areas.

## MORNINGTON PENINSULA PLANNING SCHEME

19.02-6S

31/07/2018  
VC148

## Open space

## Objective

To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community

## Strategies

Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.

Ensure that open space networks:

- Are linked, including through the provision of walking and cycling trails.
- Are integrated with open space from adjoining subdivisions.
- Incorporate, where possible, links between major parks and activity areas along waterways and natural drainage corridors, connecting places of natural and cultural interest.
- Maintain public accessibility on public land immediately adjoining waterways and coasts.

Create opportunities to enhance open space networks within and between settlements.

Ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.

Ensure that land use and development adjoining regional open space networks, national parks and conservation reserves complement the open space in terms of visual and noise impacts, preservation of vegetation and treatment of wastewater to reduce turbidity and pollution.

Improve the quality and distribution of open space and ensure long-term protection.

Protect large regional parks and significant conservation areas.

Ensure that identified as critical to the completion of open space links is transferred for open space purposes.

Ensure that where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.

Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude.

Accommodate community sports facilities in a way that is not detrimental to other park activities.

Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community regardless of age, gender, ability or a person's location.

Develop open space to maintain wildlife corridors and greenhouse sinks.

Provide new parkland in growth areas and in areas that have an undersupply of parkland.

Encourage the preparation of management plans or explicit statements of management objectives for urban parks.

Ensure exclusive occupation of parkland by community organisations is restricted to activities consistent with management objectives of the park to maximise broad community access to open space.

Ensure the provision of buildings and infrastructure is consistent with the management objectives of the park.

Ensure public access is not prevented by developments along stream banks and foreshores.

Ensure public land immediately adjoining waterways and coastlines remains in public ownership.

Plan open space areas for multiple uses, such as community gardens, sports and recreation, active transport routes, wildlife corridors and flood storage basins.

## MORNINGTON PENINSULA PLANNING SCHEME

19.02-6R

03/02/2022  
VC199

Open space - Metropolitan Melbourne

## Objective

To strengthen the integrated metropolitan open space network.

## Strategies

Develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment projects.

Ensure major open space corridors are protected and enhanced.

Develop open space networks in growth areas and in the surrounding region of Metropolitan Melbourne, where existing open space is limited and demands growing, including:

- Cardinia Creek Parklands.
- Cranbourne Regional Park.
- Kororoit Creek Corridor.
- Quarry Hills Regional Park.
- Chain of Parks- Sandbelt.
- Sunbury Regional Park- Jacksons Creek Valley.
- Toolern Creek Regional Park.
- Werribee Township Regional Park.

Create continuous open space links and trails along the:

- Frankston parklands (linking existing parks from Carrum to Mornington).
- Maribyrnong River parklands.
- Merri Creek parklands (extending to Craigieburn).
- Western Coast parklands (linking Point Gellibrand, Point Cook and Werribee).
- Yarra River parklands (extending from Warrandyte to the Port Phillip Bay).

Provide long term planning protection to meet demand for future open space along the Plenty Gorge parklands, Yarra Valley parklands, Cardinia Creek parklands, Heatherton/Dingley Sandbelt parklands and Dandenong/alley parklands.

Protect the metropolitan water's edge parklands from intrusion and encroachment of development that impacts on open space and their natural landscape setting.

Continue development of the lower Yarra River as a focus for sport, entertainment and leisure.

Support establishing community gardens and productive streetscapes.

## Policy documents

Consider as relevant:

- Open Space for Everyone Open Space Strategy for Metropolitan Melbourne 2021 (Department of Environment, Land, Water and Planning, 2021)
- Maribyrnong River – Vision for Recreational and Tourism Development (Melbourne Parks and Waterways, 1996)
- Maribyrnong River Valley Design Guidelines (Department of Planning and Community Development 2010)

MORNINGTON PENINSULA PLANNING SCHEME

19.03  
31/07/2018  
VC148

DEVELOPMENT INFRASTRUCTURE



## MORNINGTON PENINSULA PLANNING SCHEME

19.03-1S

24/01/2020  
VC160

## Development and infrastructure contributions plans

## Objective

To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.

## Strategies

Prepare development contributions plans and infrastructure contributions plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure.

Collect development contributions on the basis of approved development and infrastructure contributions plans.

Require annual reporting by collecting and development agencies to monitor the collection and expenditure of levies and the delivery of infrastructure.

## Policy documents

## Consider as relevant:

- Development Contributions Guidelines (Department of Sustainability and Environment 2003 - as amended 2007)
- Infrastructure Contributions Plan Guidelines (Department of Environment, Land, Water and Planning, November 2019)
- Ministerial Direction on the Preparation and Content of Development Contribution Plans and Reporting Requirements for Development Contributions Plans
- Ministerial Direction on the Preparation and Content of Infrastructure Contribution Plans and Reporting Requirements for Infrastructure Contributions Plans

## MORNINGTON PENINSULA PLANNING SCHEME

19.03-2S

09/10/2020  
VC169

Infrastructure design and provision

Objective

To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community

Strategies

Provide an integrated approach to the planning and engineering design of new subdivision and development.

Integrated developments with infrastructure and services, whether they are in existing suburbs, growth areas or regional towns.

## MORNINGTON PENINSULA PLANNING SCHEME

## 19.03-3S

22/11/2024  
VC263

## Integrated water management

## Objective

To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.

## Strategies

Plan and coordinate integrated water management bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use to:

- Take into account the catchment context.
- Protect downstream environments, waterways and bays.
- Manage and use potable water efficiently.
- Reduce pressure on Victoria's drinking water supplies.
- Minimise drainage, water or wastewater infrastructure and operation costs.
- Minimise flood risks.
- Provide urban environments that are more resilient to the effects of climate change.

Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.

Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.

Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:

- Minimising stormwater quality and quantity related impacts.
- Filtering sediment and waste from stormwater prior to discharge from a site.
- Managing industrial and commercial toxicants in an appropriate way.
- Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.

Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest community benefit.

Provide for sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

Ensure land is set aside for water management infrastructure at the subdivision design stage.

Minimise the potential impacts of water, sewerage and drainage assets on the environment.

Protect significant water, sewerage and drainage assets from encroaching sensitive and incompatible uses.

Protect areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality.

Ensure that the use and development of land identifies and appropriately responds to potential environmental risks, and contributes to maintaining or improving the environmental quality of water and groundwater.

## Policy guidelines

Consider as relevant:

- Any applicable Sustainable Water Strategy endorsed under Division 1B of Part 3 of the Water Act 1989

## MORNINGTON PENINSULA PLANNING SCHEME

Policy documents

Considerasrelevant:

- Water for Victoria - Water Plan (Victorian Government2016)
- EnvironmentReferenceStandad (GazetteNo. S 245,26 May 2021)
- UrbanStormwaterBestPracticeEnvironmentalManagementGuidelines(VictorianStormwater Committee,1999)
- PlanningPermitApplicationsn SpecialWaterSupplyCatchmentAreas(Departmentof Energy, EnvironmentandClimateAction, 2024)
- Victorian guidelinefor waterrecycling(Publication1910,EnvironmentProtectionAuthority, March2021)
- Technicalinformationfor theVictorian guidelinefor waterrecycling(Publication1911, EnvironmentProtectionAuthority, March2021)

## MORNINGTON PENINSULA PLANNING SCHEME

19.03-3L

22/07/2021  
C279morn

Integrated water management - Mornington Peninsula

Strategies

Ensure development in new areas is connected to reticulated sewerage.

In areas where existing premises are unsewered, ensure existing treatment and disposal systems are improved to limit pollution of groundwater or surface waters.

Where reticulated sewerage is not available, ensure sewage storage and effluent is not located within 60 metres of a waterbody.

Maintain a reserve with a minimum width of 30 metres on both sides of a streamline, where reasonable and practical.

## MORNINGTON PENINSULA PLANNING SCHEME

19.03-4S

04/11/2022  
VC226

## Telecommunications

## Objective

To facilitate the orderly development, extension and maintenance of telecommunications infrastructure.

## Strategies

Facilitate the upgrading and maintenance of telecommunication facilities.

Ensure that modern telecommunication facilities are widely accessible and that the telecommunication needs of business, domestic, entertainment and community services are met.

Encourage the continued deployment of telecommunication facilities that are easily accessible by:

- Increasing and improving access for all sectors of the community to the telecommunications network.
- Supporting access to transport and other public corridors for the deployment of telecommunication networks in order to encourage infrastructure investment and reduce investor risk.

Ensure a balance between the provision of telecommunication facilities and the need to protect the environment from adverse impacts arising from telecommunication infrastructure.

Co-locate telecommunication facilities wherever practical.

Planning should have regard to national implications of a telecommunication network and the need for consistency in infrastructure design and placement.

# MORNINGTON PENINSULA PLANNING SCHEME

19.03-4R

26/10/2018  
VC154

Telecommunications - Metropolitan Melbourne

## Strategy

Support the provision of high-quality telecommunication infrastructure in Melbourne's employment, urban renewal and growth areas through early planning for fibre-ready facilities and wireless infrastructure.

## MORNINGTON PENINSULA PLANNING SCHEME

## 19.03-5S

14/11/2022  
VC227

## Waste and resource recovery

## Objective

To reduce waste and maximise resource recovery to reduce reliance on landfills and minimise environmental amenity and public health impacts.

## Strategies

Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste streams and maximise opportunities for resource recovery.

Ensure the long-term viability of waste and resource recovery infrastructure (including state and regional waste and resource recovery hubs) is secured through the use of defined buffer areas that protect against encroachment from incompatible land uses.

Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.

Enable waste and resource recovery facilities to be located in proximity to other related facilities and to materials end-market destinations to reduce the impacts of waste transportation and improve the economic viability of resource recovery.

Site, design, manage and rehabilitate waste disposal facilities to prevent or minimise contamination of groundwater and surface waters, litter, odour, dust and noise.

Integrate waste and resource recovery infrastructure planning with land use and transport planning.

Encourage technologies that increase recovery and treatment of resources to produce high value, marketable end products.

Encourage development that facilitates sustainable waste and resource recovery including facilities for Victoria's container deposits scheme.

## Policy guidelines

Consider as relevant:

- Any applicable Regional Waste and Resource Recovery Implementation Plan

## Policy documents

Consider as relevant:

- Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2018)
- Management and storage of combustible, recyclable and waste materials - guideline (Publication 1667, Environment Protection Authority, October 2018)
- Best Practice Environmental Management Guideline (Siting, Design, Operation and Rehabilitation of Landfills) (Environment Protection Authority, 2015)
- Designing, Constructing and Operating Composting Facilities (Publication 1588, Environment Protection Authority, June 2015)
- Recommended separation distances for industrial residual air emissions (Publication 1518, Environment Protection Authority, March 2013)
- Waste Management and Recycling in Multi-unit Developments Better Practice Guide (Sustainability Victoria, 2019)
- Recycling Victoria: A New Economy (DELWP, February 2020)



MORNINGTON PENINSULA PLANNING SCHEME

30

19/01/2006  
VC37

ZONES

This section sets out the zones which apply in this scheme.

MORNINGTON PENINSULA PLANNING SCHEME

31  
31/07/2018  
VC148

[NO CONTENT]

MORNINGTON PENINSULA PLANNING SCHEME

32

19/01/2006  
VC37

RESIDENTIAL ZONES

## MORNINGTON PENINSULA PLANNING SCHEME

## 32.03

31/07/2018  
VC148

## LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme maps as LDRZ with a number (if shown).

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

## 32.03-1

01/01/2024  
VC250

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Community care accommodation	Must meet the requirements of Clause 52.22-2.
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 2 animals.
Dwelling (other than Bed and breakfast)	Must be the only dwelling on the lot.  Must meet the requirements of Clause 32.03-2.
Home based business	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres.  The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Racing dog husbandry	Must be no more than 2 animals.
Railway	
Small second dwelling	Must be no more than one dwelling existing on the lot.  Must be the only small second dwelling on the lot.  Must meet the requirements of Clause 32.03-2.  Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

## MORNINGTON PENINSULA PLANNING SCHEME

## Section 2 - Permit required

Use	Condition
Accommodation (other than Community care accommodation, Dwelling and Small second dwelling)	
Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience restaurant	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience shop	
Domestic animal boarding	
Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met	Must result in no more than two dwellings on the lot. Must meet the requirements of Clause 32.03-2.
Food and drink premises (other than Convenience restaurant)	
Grazing animal production	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Market	
Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)	
Plant nursery	
Service station	<p>The site must either:</p> <ul style="list-style-type: none"> <li>Adjoin a commercial zone or industrial zone.</li> <li>Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>3000 square metres.</li> <li>3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

## Section 3 – Prohibited

Use
Amusement parlour
Animal production (other than Grazing animal production)
Cinema based entertainment facility
Extractive industry
Industry (other than Automated collection point and Car wash)
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)
Saleyard
Small second dwelling - if the Section 1 condition is not met
Transport terminal
Warehouse (other than Store)

## 32.03-2

14/12/2023  
VC253

Use for one or two dwellings, or a small second dwelling

A lot used for one or two dwellings or a small second dwelling must meet the following requirements:

- Each dwelling or small second dwelling must be connected to a reticulated sewerage if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements in the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
- Each dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with appropriate storage capacity
- Each dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy supply

## 32.03-3

14/12/2023  
VC253

Subdivision

Permit requirement

A permit is required to subdivide land.

## MORNINGTON PENINSULA PLANNING SCHEME

Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:

- Excises land which is required for a road or a utility installation.
- Provides for the re-subdivision of existing lots and the number of lots is not increased.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where:	Clause 59.01
<ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	

## 32.03-4

04/12/2020  
VC180

## Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 32.03-1.
- An outbuilding which has dimensions greater than those specified in a schedule to this zone.

This does not apply to structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works where:	Clause 59.04
<ul style="list-style-type: none"> <li>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or</li> <li>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and</li> </ul>	

## MORNINGTON PENINSULA PLANNING SCHEME

## Class of application

Information  
requirements and  
decision guidelines

- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:
  - A10 Side and rear setbacks.
  - A11 Walls on boundaries.
  - A12 Daylight to existing windows.
  - A13 North-facing windows.
  - A14 Overshadowing open space.
  - A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

## 32.03-5

01/07/2021  
VC203

## Application requirements

## Subdivision

An application must be accompanied by a site analysis documenting the site in terms of landform, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must:

- In the absence of reticulated sewerage, include a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- Show for each lot:
  - A building envelope and driveway to the envelope.
  - Existing vegetation.
  - In the absence of reticulated sewerage, an effluent disposal area.
- Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
- If a staged subdivision, show how the balance of the land may be subdivided.

## 32.03-6

01/01/2024  
VC250

## Decision guidelines

## General

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.



## MORNINGTON PENINSULA PLANNING SCHEME

## Subdivision

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services including sewerage, water, drainage, electricity and telecommunications.
- In the absence of reticulated sewerage:
  - The capability and suitability of the lot to treat and retain all wastewater as determined by a Land Capability Assessment, the risks to human health and the environment of an on-site wastewater management system constructed, installed, or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
  - The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.
- The relevant standards of Clauses 56.07-1 to 56.07-4.

32.03-7

31/07/2018  
VC148

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme maps as LDRZ.

## 1.0

22/07/2021  
C255morn

## Subdivision requirements

	Land	Area (hectares)
Minimum subdivision area (hectares)	All green wedge land	0.4ha

## 2.0

22/07/2021  
C255morn

## Outbuilding permit requirements

Dimensions above which a permit is required to construct an outbuilding (square metres)
None specified

## MORNINGTON PENINSULA PLANNING SCHEME

## 32.04

31/07/2018  
VC148

## MIXED USE ZONE

Shown on the planning scheme maps as MUZ with a number (if shown).

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

## 32.04-1

15/07/2013  
VC100

## Objectives

A schedule to this zone may contain objectives to be achieved for the area.

## 32.04-2

01/01/2024  
VC250

## Table of uses

## Section 1 – Permit not required

Use	Condition
Art gallery	
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Community care accommodation	Must meet the requirements of Clause 52.22-2.
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 2 animals.
Dwelling (other than Bed and breakfast)	
Food and drink premises	The leasable floor area must not exceed 150 square metres.
Home based business	
Informal outdoor recreation	
Medical centre	The gross floor area must not exceed 250 square metres.
Museum	
Office (other than Medical centre)	The leasable floor area must not exceed 250 square metres.
Place of worship	The gross floor area of all buildings must not exceed 250 square metres.

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Racing dog husbandry	Must be no more than 2 animals.
Railway	
Residential aged care facility	
Rooming house	Must meet the requirements of Clause 52.23-2.
Shop (other than Adult sex product shop)	The leasable floor area must not exceed 150 square metres.
Small second dwelling	Must be no more than one dwelling existing on the lot. Must be the only small second dwelling on the lot. Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling)	
Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)	
Container deposit scheme centre	
Domestic animal boarding	
Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Grazing animal production	
Industry (other than Materials recycling and Transfer station)	Must not be a purpose listed in the table to Clause 53.10.
Leisure and recreation (other than Informal outdoor recreation)	
Place of assembly (other than Art gallery, Carnival, Circus, Museum and Place of worship)	
Retail premises (other than Food and drink premises and Shop)	
Utility installation (other than Minor utility installation and Telecommunications facility)	Must not be a purpose listed in the table to Clause 53.10.
Warehouse	Must not be a purpose listed in the table to Clause 53.10.
Any other use not in Section 1 or 3	

## MORNINGTON PENINSULA PLANNING SCHEME

## Section 3 - Prohibited

## Use

Adult sex product shop

Animal production (other than Grazing animal production)

Extractive industry

Materials recycling

Small second dwelling – if the Section 1 condition is not met

Transfer station (other than Automated collection point and Container deposit scheme centre)

## 32.04-3

31/07/2018  
VC148

## Use for industry , service station and warehouse

## Amenity of the neighbourhood

The use of land for an industry, service station or warehouse must not adversely affect the amenity of the neighbourhood including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

## 32.04-4

14/12/2023  
VC253

## Subdivision

## Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>The area of either lot is reduced by less than 15 percent.</li> <li>The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> <li>Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>Has started lawfully.</li> </ul> </li> <li>The subdivision does not create a vacant lot.</li> </ul>	Clause 59.02

## 32.04-5

22/09/2023  
VC243

## Construction and extension of one dwelling on a lot

## Permit requirement

A permit is required to construct or extend one dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

## No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
<p>Construct or extend a dwelling on a lot less than 300 square metres if the development meets the requirements in the following standards of Clause 54:</p> <ul style="list-style-type: none"> <li>▪ A3 Street setback.</li> <li>▪ A10 Side and rear setbacks.</li> <li>▪ A11 Walls on boundaries.</li> <li>▪ A12 Daylight to existing windows.</li> <li>▪ A13 North-facing windows.</li> <li>▪ A14 Overshadowing open space.</li> <li>▪ A15 Overlooking.</li> </ul> <p>For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.</p> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	Clause 59.14

32.04-6

14/12/2023  
VC253

Construction and extension of a small second dwelling on a lot

Permit requirement

A permit is required to construct or extend a small second dwelling on a lot less than 300 square metres.

A development must meet the requirements of Clause 54.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
<p>Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the requirements in the following standards of Clause 54:</p> <ul style="list-style-type: none"> <li>▪ A3 Street setback.</li> <li>▪ A9 Building setback.</li> <li>▪ A9.1 Safety and accessibility.</li> <li>▪ A10 Side and rear setbacks.</li> <li>▪ A11 Walls on boundaries.</li> <li>▪ A12 Daylight to existing windows.</li> <li>▪ A13 North-facing windows.</li> </ul>	Clause 59.14

## MORNINGTON PENINSULA PLANNING SCHEME

## Class of application

Information  
requirements and  
decision guidelines

- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

32.04-7

14/12/2023  
VC253

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

## Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

## Transitional provisions

Clause 55 of this scheme as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clause 55 and 58 of this scheme as in force immediately before the approval date of Amendment VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.



## MORNINGTON PENINSULA PLANNING SCHEME

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

## 32.04-8

14/12/2023  
VC253

## Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirements not specified in a schedule to this zone, the requirements set out in the relevant standard of Clause 54 or Clause 55 applies.

## 32.04-9

14/12/2023  
VC253

## Residential aged care facility

## Permit requirements

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17- Residential aged care facility.

## 32.04-10

14/12/2023  
VC253

## Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works where:	Clause 59.04
<ul style="list-style-type: none"> <li>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or</li> <li>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and</li> <li>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes: <ul style="list-style-type: none"> <li>– A10 Side and rear setbacks.</li> </ul> </li> </ul>	

## MORNINGTON PENINSULA PLANNING SCHEME

## Class of application

Information  
requirements and  
decision  
guidelines

- A11 Walls on boundaries.
- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

## 32.04-11

14/12/2023  
VC253

## Buildings on lots that abut another residential zone

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

This does not apply to a building or works for a residential aged care facility.

## 32.04-12

14/12/2023  
VC253

## Maximum building height requirement

A building must not be constructed that exceeds the maximum building height specified in a schedule to this zone.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.
- It is a residential aged care facility and the maximum building height in the schedule to the zone is less than 16 metres.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

## MORNINGTON PENINSULA PLANNING SCHEME

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

## 32.04-13

14/12/2023  
VC253

## Application requirements

## General

Any application requirements specified in a schedule to this zone.

## Use for industry and warehouse

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulation 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood including noise levels, traffic, air-borne emissions, emission to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

## Buildings and works associated with a Section 2 use

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:
  - The layout of proposed buildings and works.
  - An elevation of the building design and height.
  - Setback to property boundaries.
  - All proposed access and pedestrian areas.
  - All proposed driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - The location of easements and services.

## 32.04-14

14/12/2023  
VC253

## Exemption from notice and review

## Subdivision

An application for subdivision is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

## Other applications

A schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

32.04-15

14/12/2023  
VC253

## Decision guidelines

## General

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing existing rooftop solar energy systems and dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.

## Use for industry , service station and warehouse

- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.

## Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development the objectives and standards of Clause 56.

## Construction and extension of one dwelling on a lot and a small second dwelling

- The applicable objectives, standards and decision guidelines of Clause 54.

## Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decision guidelines of Clause 58.

32.04-16

14/12/2023  
VC253

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 32.04 MIXED USE ZONE

Shown on the planning scheme map as MUZ.

## MORNINGTON PENINSULA MIXED USE AREAS

## 1.0

22/07/2021  
C255morn

## Objectives

None specified.

## 2.0

22/07/2021  
C255morn

## Clause 54 and Clause 55 requirements

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

## 3.0

22/07/2021  
C255morn

## Maximum building height requirement

None specified.

## 4.0

22/07/2021  
C255morn

## Exemption from notice and review

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

None specified.

## 7.0

22/07/2021  
C255morn

## Signs

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

## 32.08

31/07/2018  
VC148

## GENERAL RESIDENTIAL ZONE

Shown on the planning scheme maps as GRZ, R1Z, R2Z or R3Z with a number (if shown).

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

## 32.08-1

27/03/2017  
VC110

## Neighbourhood character objectives

A schedule to this zone may contain neighbourhood character objectives to be achieved for the area.

## 32.08-2

01/01/2024  
VC250

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Community care accommodation	Must meet the requirements of Clause 52.22-2.
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 2 animals.
Dwelling (other than Bed and breakfast)	
Home based business	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres.  Must not require a permit under Clause 52.06-3.  The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Place of worship	The gross floor area of all buildings must not exceed 250 square metres.  The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Racing dog husbandry	Must be no more than 2 animals.
Railway	
Residential aged care facility	
Rooming house	Must meet the requirements of Clause 52.23-2.
Small second dwelling	Must be no more than one dwelling existing on the lot. Must be the only small second dwelling on the lot. Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility , Rooming house and Small second dwelling)	
Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry , Horse husbandry and Racing dog husbandry)	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience restaurant	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience shop	
Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Food and drink premises (other than Convenience restaurant and Take away food premises)	
Grazing animal production	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Market	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Office (other than Medical centre)	The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies.
Place of assembly (other than Amusement parlour , Carnival, Cinema based entertainment facility , Circus, Nightclub and Place of worship)	
Plant nursery	
Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)	The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies.
Service station	<p>The site must either:</p> <ul style="list-style-type: none"> <li>▪ Adjoin a commercial zone or industrial zone.</li> <li>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>▪ 3000 square metres.</li> <li>▪ 3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul>
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Take away food premises	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

## Section 3 – Prohibited

Use
Amusement parlour
Animal production (other than Grazing animal production)
Animal training
Cinema based entertainment facility
Domestic animal boarding
Extractive industry
Horse husbandry



## MORNINGTON PENINSULA PLANNING SCHEME

## Use

Industry (other than Automated collection point and Car wash)

Motor racing track

Nightclub

Saleyard

Small second dwelling – if the Section 1 condition is not met

Transport terminal

Warehouse (other than Store)

32.08-3

14/12/2023  
VC253

## Subdivision

## Permit requirement

A permit is required to subdivide land.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created is less than 400 square metres and contains at least 25 per cent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:

- An approved precinct structure plan or an equivalent strategic plan;
- An incorporated plan or approved development plan; or
- A permit for development.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where:	Clause 59.01
<ul style="list-style-type: none"> <li>The area of either lot is reduced by less than 15 percent.</li> <li>The general direction of the common boundary does not change.</li> </ul>	
Subdivide land into lots each containing an existing building or car parking space where:	Clause 59.02
<ul style="list-style-type: none"> <li>The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	
Subdivide land into 2 lots if:	Clause 59.02
<ul style="list-style-type: none"> <li>The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> <li>Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>Has started lawfully.</li> </ul> </li> <li>The subdivision does not create a vacant lot.</li> </ul>	

32.08-4

14/12/2023  
VC253

Construction or extension of a dwelling, small second dwelling or residential building

Minimum garden area requirement

An application to construct or extend a dwelling, small second dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 sqm	25%
Above 500 - 650 sqm	30%
Above 650 sqm	35%

This does not apply to:

- An application to construct or extend a dwelling, small second dwelling or residential building if specified in a schedule to this zone as exempt from the minimum garden area requirement;
- An application to construct or extend a dwelling, small second dwelling or residential building on a lot if:

## MORNINGTON PENINSULA PLANNING SCHEME

- The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
- The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or
- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

## 32.08-5

14/12/2023  
VC253

## Construction and extension of one dwelling on a lot

## Permit requirement

A permit is required to construct or extend one dwelling on a lot less than 300 square metres.

A permit is required to construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres and the fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

## No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a dwelling on a lot less than 300 square metres if the development meets the requirements in the following standards of Clause 54:	Clause 59.14
<ul style="list-style-type: none"> <li>▪ A3 Street setback.</li> <li>▪ A10 Side and rear setbacks.</li> <li>▪ A11 Walls on boundaries.</li> <li>▪ A12 Daylight to existing windows.</li> <li>▪ A13 North-facing windows.</li> <li>▪ A14 Overshadowing open space.</li> <li>▪ A15 Overlooking.</li> </ul>	
For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.	

## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.	
Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres.	Clause 59.03

32.08-6

14/12/2023  
VC253

Construction and extension of a small second dwelling on a lot

Permit requirement

A permit is required to construct or extend a small second dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the requirements in the following standards of Clause 54:	
<ul style="list-style-type: none"> <li>▪ A3 Street setback.</li> <li>▪ A9 Building setback.</li> <li>▪ A9.1 Safety and accessibility.</li> <li>▪ A10 Side and rear setbacks.</li> <li>▪ A11 Walls on boundaries.</li> <li>▪ A12 Daylight to existing windows.</li> <li>▪ A13 North-facing windows.</li> <li>▪ A14 Overshadowing open space.</li> <li>▪ A15 Overlooking.</li> </ul>	
For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.	
If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.	

## MORNINGTON PENINSULA PLANNING SCHEME

32.08-7

14/12/2023  
VC253

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

Transitional provisions

Clause 55 of this scheme as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clause 55 and 58 of this scheme as in force immediately before the approval date of Amendment VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

## MORNINGTON PENINSULA PLANNING SCHEME

32.08-8

14/12/2023  
VC253

Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirements not specified in a schedule to this zone, the requirements set out in the relevant standard of Clause 54 or Clause 55 applies.

32.08-9

14/12/2023  
VC253

Residential aged care facility

Permit requirements

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17- Residential aged care facility.

32.08-10

14/12/2023  
VC253

Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application

Information  
requirements and  
decision  
guidelines

Construct a building or construct or carry out works where:

Clause 59.04

- The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or
- The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and
- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:
  - A10 Side and rear setbacks.
  - A11 Walls on boundaries.
  - A12 Daylight to existing windows.
  - A13 North-facing windows.
  - A14 Overshadowing open space.
  - A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

## MORNINGTON PENINSULA PLANNING SCHEME

32.08-11

14/12/2023  
VC253

Maximum building height requirement for a dwelling, small second dwelling or residential building

A building must not be constructed for use as a dwelling, small second dwelling or a residential building that:

- exceed the maximum building height specified in a schedule to this zone; or
- contain more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

32.08-12

14/12/2023  
VC253

Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description and design responses required in Clause 54 and Clause 55.
- For an apartment development of five or more storeys, an urban context report and design responses required in Clause 58.01.

## MORNINGTON PENINSULA PLANNING SCHEME

- For an application for subdivision a site and context description and design responses are required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses.
  - The building form and scale.
  - Setback to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirements not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

32.08-13

14/12/2023  
VC253

## Exemption from notice and review

## Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

32.08-14

14/12/2023  
VC253

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

## General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing existing rooftop solar energy systems and dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

## Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development the objectives and standards of Clause 56.

## Dwellings, small second dwellings and residential buildings

- For the construction and extension of one dwelling on a lot and a small second dwelling, the applicable objectives, standards and decision guidelines of Clause 54.



## MORNINGTON PENINSULA PLANNING SCHEME

- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decision guidelines of Clause 58.

## Non-residential use and development

- Whether the use or developments compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.08-15

14/12/2023  
VC253

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.

32.08-16

14/12/2023  
VC253

## Transitional provisions

The minimum garden area requirements of Clause 32.08-4 and the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.
- Where a planning permit is not required for the construction or extension of a dwelling or residential building:
  - A building permit issued for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110.
  - A building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.
  - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.

The minimum garden area requirements of Clause 32.08-3 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ1.

## MORNINGTON PENINSULA TOWN AREAS

1.0  
22/07/2021  
C255morn

Neighbourhood character objectives

None specified.

2.0  
03/05/2024  
VC255

Construction or extension of a dwelling, small second dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling, small second dwelling or residential building exempt from the minimum garden area requirement?

No

3.0  
03/05/2024  
VC255

Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

4.0  
03/05/2024  
VC255

Maximum building height requirement for a dwelling, small second dwelling or residential building

None specified.

5.0  
03/05/2024  
VC255

Application requirements

None specified.

6.0  
03/05/2024  
VC255

Decision guidelines

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 3 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ3.

## MORNINGTON PENINSULA TOWN CENTRE AREAS

1.0

22/07/2021  
C255morn

Neighbourhood character objectives

None specified.

2.0

03/05/2024  
VC255

Construction or extension of a dwelling, small second dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling, small second dwelling or residential building exempt from the minimum garden area requirement?

No

3.0

03/05/2024  
VC255

Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

4.0

03/05/2024  
VC255

Maximum building height requirement for a dwelling, small second dwelling or residential building

A building used as a dwelling, small second dwelling or a residential building must not exceed a height of 14 metres.

5.0

03/05/2024  
VC255

Application requirements

None specified.

6.0

03/05/2024  
VC255

Decision guidelines

None specified.

7.0

Transitional provisions

Schedule 3 to Clause 32.08 to the General Residential Zone does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme. The requirements of Clause 54 as they apply to Clause 54.03-2 or of Clause 55 as they apply to Clause 55.03-2 as in force immediately before the said approved date continue to apply.

## MORNINGTON PENINSULA PLANNING SCHEME

Despite the provisions of Schedule 3 to clause 32.08, these do not apply to an application under section 69 of the Act to extend a permit to construct or extend a development.

## MORNINGTON PENINSULA PLANNING SCHEME

## 32.09

31/07/2018  
VC148

## NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme maps as NRZ with a number (if shown).

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environment and landscape characteristics.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

## 32.09-1

27/03/2017  
VC110

## Neighbourhood character objectives

A schedule to this zone must contain the neighbourhood character, heritage, environment and landscape character objectives to be achieved for the area.

## 32.09-2

26/04/2024  
VC252

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Community care accommodation	Must meet the requirements of Clause 52.22-2.
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 2 animals.
Dwelling (other than Bed and breakfast)	
Home based business	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres.  Must be located in an existing building.  The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.  Must not require a permit under Clause 52.06-3.
Place of worship	The gross floor area of all buildings must not exceed 250 square metres.

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. Must not require a permit under Clause 52.06-3.
Racing dog husbandry	Must be no more than 2 animals.
Railway	
Residential aged care facility	
Rooming house	Must meet the requirements of Clause 52.23-2.
Small second dwelling	Must be no more than one dwelling existing on the lot. Must be the only small second dwelling on the lot. Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.
Tramway	
Any use listed in clause 62.01	Must meet the requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling)	
Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience restaurant	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience shop	The leasable floor area must not exceed 80 square metres.
Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Food and drink premises (other than Convenience restaurant and Take away food premises)	
Grazing animal production	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Market	
Office (other than Medical centre)	The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies.
Place of assembly (other than Amusement parlour , Carnival, Cinema based entertainment facility , Circus, Nightclub and Place of worship)	
Plant nursery	
Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)	The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies.
Service station	<p>The site must either:</p> <ul style="list-style-type: none"> <li>Adjoin a commercial zone or industrial zone.</li> <li>Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>3000 square metres.</li> <li>3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul>
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Take away food premises	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

## Section 3 – Prohibited

Use
Amusement parlour
Animal production (other than Grazing animal production)
Animal training
Cinema based entertainment facility

## MORNINGTON PENINSULA PLANNING SCHEME

## Use

Domestic animal boarding

Extractive industry

Horse husbandry

Industry (other than Automated collection point and Car wash)

Motor racing track

Nightclub

Saleyard

Small second dwelling - if the Section 1 condition is not met

Transport terminal

Warehouse (other than Store)

## 32.09-3

14/12/2023  
VC253

## Subdivision

## Permit requirement

A permit is required to subdivide land.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created is less than 400 square metres and contains at least 25 per cent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:

- An approved precinct structure plan or an equivalent strategic plan;
- An incorporated plan or approved development plan; or
- A permit for development.

A schedule to this zone may specify a minimum lot size to subdivide land. Each lot must be at least the area specified for the land, except where an application to subdivide land is made to create lots each containing an existing dwelling or car parking space where an application for the existing dwelling or car parking space was made or approved before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.



## MORNINGTON PENINSULA PLANNING SCHEME

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>The area of either lot is reduced by less than 15 percent.</li> <li>The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>Has started lawfully.</li> </ul> </li> <li>The subdivision does not create a vacant lot.</li> </ul>	Clause 59.02

32.09-4

14/12/2023  
VC253

Construction or extension of a dwelling, small second dwelling or residential building

## Minimum garden area requirement

An application to construct or extend a dwelling, small second dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 sqm	25%
Above 500 - 650 sqm	30%
Above 650 sqm	35%

This does not apply to:

- An application to construct or extend a dwelling, small second dwelling or residential building on a lot if:

## MORNINGTON PENINSULA PLANNING SCHEME

- The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
- The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or
- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.09-4 on the approval date of Amendment VC110.

## 32.09-5

14/12/2023  
VC253

## Construction and extension of one dwelling on a lot

## Permit requirement

A permit is required to construct or extend one dwelling on a lot less than 300 square metres.

A permit is required to construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres and the fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

## No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a dwelling on a lot less than 300 square metres if the development meets the requirements in the following standards of Clause 54:	Clause 59.14
<ul style="list-style-type: none"> <li>▪ A3 Street setback.</li> <li>▪ A10 Side and rear setbacks.</li> <li>▪ A11 Walls on boundaries.</li> <li>▪ A12 Daylight to existing windows.</li> <li>▪ A13 North-facing windows.</li> <li>▪ A14 Overshadowing open space.</li> <li>▪ A15 Overlooking.</li> </ul>	
For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.	

## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
<p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	
Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres.	Clause 59.03

32.09-6  
14/12/2023  
VC253

Construction and extension of a small second dwelling on a lot

Permit requirement

A permit is required to construct or extend a small second dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
<p>Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the requirements in the following standards of Clause 54:</p> <ul style="list-style-type: none"> <li>▪ A3 Street setback.</li> <li>▪ A9 Building setback.</li> <li>▪ A9.1 Safety and accessibility.</li> <li>▪ A10 Side and rear setbacks.</li> <li>▪ A11 Walls on boundaries.</li> <li>▪ A12 Daylight to existing windows.</li> <li>▪ A13 North-facing windows.</li> <li>▪ A14 Overshadowing open space.</li> <li>▪ A15 Overlooking.</li> </ul> <p>For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.</p> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	

## MORNINGTON PENINSULA PLANNING SCHEME

## 32.09-7

14/12/2023  
VC253

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum heights specified in Clause 55.06-2.

A development must meet the requirements of Clause 55.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

Transitional provisions

Clause 55 of this scheme as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 55 of this scheme as in force immediately before the approval date of Amendment VC174, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

## 32.09-8

14/12/2023  
VC253

Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirements not specified in a schedule to this zone, the requirements set out in the relevant standard of Clause 54 or Clause 55 applies.

## MORNINGTON PENINSULA PLANNING SCHEME

32.09-9

15/03/2024  
VC256

Residential aged care facility

Permit requirements

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17- Residential aged care facility.

32.09-10

14/12/2023  
VC253

Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works where:	Clause 59.04
<ul style="list-style-type: none"> <li>The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or</li> <li>The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and</li> <li>The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes: <ul style="list-style-type: none"> <li>A10 Side and rear setbacks.</li> <li>A11 Walls on boundaries.</li> <li>A12 Daylight to existing windows.</li> <li>A13 North-facing windows.</li> <li>A14 Overshadowing open space.</li> <li>A15 Overlooking.</li> </ul> </li> </ul>	
For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.	
If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.	

32.09-11

14/12/2023  
VC253

Maximum building height requirement for a dwelling, small second dwelling or residential building

A building must not be constructed for use as a dwelling, small second dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

## MORNINGTON PENINSULA PLANNING SCHEME

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 9 metres; and
- the building must contain no more than 2 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

32.09-12

14/12/2023  
VC253

#### Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development the neighbourhood and site description and design responses as required in Clause 54 and Clause 55.
- For an application for subdivision a site and context description and design responses as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses, including siting and dimensioned setbacks.

## MORNINGTON PENINSULA PLANNING SCHEME

- The building form and scale.
- Setback to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirements not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

32.09-13

14/12/2023  
VC253

## Exemption from notice and review

## Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

32.09-14

14/12/2023  
VC253

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

## General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in the schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing existing rooftops solar energy systems and dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

## Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development the objectives and standards of Clause 56.

## Dwellings, small second dwellings and residential buildings

- For the construction and extension of one dwelling on a lot and a small second dwelling, the applicable objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.

## Non-residential use and development

In the local neighbourhood context:

- Whether the use or developments compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.

## MORNINGTON PENINSULA PLANNING SCHEME

- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.09-15

14/12/2023  
VC253

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.

32.09-16

14/12/2023  
VC253

## Transitional provisions

The minimum garden area requirements of Clause 32.09-4 and the maximum building height and number of storeys requirements of Clause 32.09-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.
- Where a planning permit is not required for the construction or extension of a dwelling or residential building:
  - A building permit issued for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110.
  - A building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.
  - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.

The minimum garden area requirements of Clause 32.09-3 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.



## MORNINGTON PENINSULA PLANNING SCHEME

06/06/2019  
C210morn

## SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ1.

## CRESWELL STREET EAST, CRIB POINT

## 1.0

06/06/2019  
C210morn

## Neighbourhood character objectives

To promote the preferred future character of the township as a low density country town on the coast with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.

To ensure the design of subdivision and housing is responsive to the environment and form, site conditions and character of Crib Point's residential areas.

To ensure that the height, scale and siting of new development has proper regard for the established streetscape and development pattern.

To encourage building materials, forms, textures and colours that are compatible with the landscape setting.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

## 2.0

06/06/2019  
C210morn

## Minimum subdivision area

The minimum lot size for subdivision is 650 square metres.

## 3.0

03/05/2024  
VC255

## Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	<p>Where there is an existing building on both the abutting allotments facing the same street, and the site is not a corner the front setback should be no less than the average setback of dwellings on adjoining lots or 7.5 metres, whichever is greater.</p> <p>Where there is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner, the front setback should be the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7.5 metres, whichever is the greater.</p> <p>The setback from a Transport Zone 2 or a Transport Zone 3 should be 10 metres or more.</p> <p>The setback from any side road boundary should be 3 metres or more.</p>
Site coverage	A5 and B8	35%
Permeability	A6 and B9	60%
Landscaping	B13	<p>Buildings and works should be sited and designed to:</p> <ul style="list-style-type: none"> <li>Retain large, established native trees and understorey.</li> <li>Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone).</li> <li>Have boundary setbacks and open space sufficient to enable: <ul style="list-style-type: none"> <li>the retention of any significant existing vegetation.</li> <li>the planting of one substantial tree in both the front setbacks and in the backyard.</li> </ul> </li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

	Standard	Requirement
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	Private open space should be provided with at least 90 square metres of private open space, with a minimum dimension of 5 metres.
	B28	An area of 90 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 5 metres and convenient access from a living room, or A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or A roof-top of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
Front fence height	A20 and B32	Fencing along a street frontage should have a maximum height of 1.5 metres. Any fencing that is 3 metres or more from a road should have a height of less than 1.8 metres.

## 4.0

03/05/2024  
VC255

Maximum building height requirement for a dwelling, small second dwelling or residential building

Nonespecified.

## 5.0

03/05/2024  
VC255

Application requirements

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- A landscape plan that includes substantial native trees and shrubs consistent with the composition of vegetation in the area.
- Before the construction or carrying out of buildings or works in association with a sensitive use commences, a soil assessment must be carried out to ascertain soil conditions prior to any development commencing.

## 6.0

03/05/2024  
VC255

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:

- The effect on the preferred character of Crib Point.
- Whether any loss of amenity will result from a variation to the requirements of Clause 54 and 55 in this schedule.
- Whether it would be impractical to apply a requirement to a lot.

MORNINGTON PENINSULA PLANNING SCHEME

33

19/01/2006  
VC37

INDUSTRIAL ZONES

## MORNINGTON PENINSULA PLANNING SCHEME

## 33.03

31/07/2018  
VC148

## INDUSTRIAL 3 ZONE

Shown on the planning scheme map as IN3Z.

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.

To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.

To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.

To ensure that uses do not affect the safety and amenity of adjacent more sensitive land uses.

## 33.03-1

01/12/2023  
VC217

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Convenience shop	
Crop raising	
Grazing animal production	
Home based business	
Informal outdoor recreation	
Mail centre	
Railway	
Service industry	Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.  The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution: <ul style="list-style-type: none"> <li>The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> Must not: <ul style="list-style-type: none"> <li>Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> <li>Require a notification under the Occupational Health and Safety Regulations 2017.</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
	<ul style="list-style-type: none"> <li>Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>Require a licence under Dangerous Goods (HCDG) Regulations 2016.</li> </ul>
Service station	The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.
Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket)	<p>Must adjoin, or be on the same lot as, a supermarket when the use commences.</p> <p>The combined leasable floor area for all shops adjoining or on the same lot as the supermarket must not exceed 500 square metres.</p> <p>The site must adjoin, or be within 30 metres of, a road in a Transport Zone 2 or a Transport Zone 3.</p>
Supermarket	<p>The leasable floor area must not exceed 1800 square metres.</p> <p>The site must adjoin, or be within 30 metres of, a road in a Transport Zone 2 or a Transport Zone 3.</p> <p>Must be on land within an urban growth boundary and in metropolitan Melbourne.</p>
Take away food premises	
Tramway	
Warehouse (other than Fuel depot, Mail centre or Shipping container storage)	<p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> <li>Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul> <p>Must not adversely affect the amenity of the neighbourhood, including through the:</p> <ul style="list-style-type: none"> <li>Transport of materials, goods or commodities to or from the land.</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
	<ul style="list-style-type: none"> <li>Appearance of any stored goods or materials.</li> <li>Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil</li> </ul>
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
Adult sex product shop	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)	
Caretaker's house	
Education centre	Must not be a primary or secondary school.
Industry (other than Automated collection point and Service industry)	
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)	
Office	The leasable floor area must not exceed the amount specified in the schedule to this zone.
Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)	
Restricted retail premises	
Retail premises (other than Shop and Take away food premises)	
Sex services premises - if the Section 1 conditions for a shop are not met	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

## MORNINGTON PENINSULA PLANNING SCHEME

## Section 3 - Prohibited

## Use

Accommodation (other than Caretaker's house)

Cinema based entertainment facility

Hospital

Intensive animal production

Major sports and recreation facility

Motor racing track

Pig farm

Poultry farm

Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises, Sex services premises and Supermarket) – if the Section 1 conditions are not met

Supermarket – if the section 1 conditions are not met

## 33.03-2

01/07/2021  
VC203

## Use of land

Amenity of the neighbourhood

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulation 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

## MORNINGTON PENINSULA PLANNING SCHEME

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- The effect on nearby industries.

33.03-3

31/07/2018  
VC148

## Subdivision

## Permit requirement

A permit is required to subdivide land.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>– Has started lawfully.</li> </ul> </li> </ul>	Clause 59.02



## MORNINGTON PENINSULA PLANNING SCHEME

## Class of application

Information  
requirements and  
decision guidelines

- The subdivision does not create a vacant lot.

## Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character
- Landscape treatment.
- Interface with non-industrial areas.

## 33.03-4

01/12/2023  
VC217

## Buildings and works

## Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising or informal outdoor recreation.
- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building's setback from a street (other than a lane).
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway
- A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

## MORNINGTON PENINSULA PLANNING SCHEME

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$1,000,000 where the land is not:	Clause 59.04
<ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 53.10.</li> <li>▪ Used for an Adult sex product shop.</li> </ul>	

## Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
  - Mechanisms to mitigate noise, odour and other adverse amenity impacts of, and on, nearby industries.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surface to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.

## MORNINGTON PENINSULA PLANNING SCHEME

- Loadingandserviceareas.
- Outdoorstorage.
- Lighting.
- Stormwaterdischarge.
- Theeffect on nearbyindustries.
- Theeffect of nearbyindustries.

### Maintenance

All buildingsandworks mustbemaintainedn goodorderandappearanceto thesatisfactionof the responsible authority

33.03-5

31/07/2018  
VC148

### Signs

Sign requirements are at Clause 52.05. This zone is in Category 2.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 33.03 INDUSTRIAL 3 ZONE

1.0

22/07/2021  
C255morn

## Maximum leasable floor area requirements

Land	Maximum leasable floor area for Office (square metres)
None specified	None specified

MORNINGTON PENINSULA PLANNING SCHEME

34

15/07/2013  
VC100

COMMERCIAL ZONES

## MORNINGTON PENINSULA PLANNING SCHEME

34.01

31/07/2018  
VC148

## COMMERCIAL 1 ZONE

Shown on the planning scheme map as B1Z, B2Z, B5Z or C1Z.

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

## Operation

A schedule may apply under this zone to a planning scheme outside of metropolitan Melbourne. That schedule may:

- specify the maximum leasable floor area for office
- specify the maximum leasable floor area for shop (other than restricted retail premises).

34.01-1

14/12/2023  
VC253

## Table of uses

## Section 1 - Permit not required

Use	Condition
Accommodation (other than Community care accommodation, Corrective institution, Rooming house and Small second dwelling)	Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house).
Art and craft centre	
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Child care centre	Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house).
Cinema	
Cinema based entertainment facility	
Community care accommodation	Any frontage at ground floor level must not exceed 2 metres.  Must meet the requirements of Clause 52.22-2.
Education centre (other than Child care centre)	
Exhibition centre	
Home based business	
Informal outdoor recreation	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Office	The leasable floor area for all offices must not exceed any amount specified in the schedule to this zone.
Place of worship	The gross floor area of all buildings must not exceed 250 square metres.
Railway	
Retail premises (other than Shop)	
Rooming house	Any frontage at ground floor level must not exceed 2 metres. Must meet the requirements of Clause 52.23-2.
Shop (other than Adult sex product shop)	The leasable floor area for all shops must not exceed any amount specified in the schedule to this zone.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
Adult sex product shop	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
Agriculture (other than Animal production and Apiculture)	
Container deposit scheme centre	
Grazing animal production	
Industry (other than Automated collection point and Container deposit scheme centre)	Must not be a purpose listed in the table to Clause 53.10.
Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Place of assembly (other than Carnival, Cinema, Cinema based entertainment facility, Circus, Exhibition centre and Place of worship)	
Utility installation (other than Minor utility installation and Telecommunications facility)	Must not be a purpose listed in the table to Clause 53.10.
Warehouse	Must not be a purpose listed in the table to Clause 53.10.

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Any other use not in Section 1 or 3	

## Section 3 - Prohibited

Use
Animal production (other than Grazing animal production)
Corrective institution
Major sports and recreation facility
Motor racing track
Small second dwelling

## 34.01-2

15/07/2013  
VC100

## Use of land

A use must not detrimentally affect the amenity of the neighbourhood including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

## 34.01-3

31/07/2018  
VC148

## Subdivision

A permit is required to subdivide land.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:</li> </ul>	Clause 59.02



## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
<ul style="list-style-type: none"> <li>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>- Has started lawfully.</li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	

34.01-4

01/12/2023  
VC217

## Buildings and works

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager

An apartment development must meet the requirements of Clause 58.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$500,000 where the land is not:	Clause 59.04
<ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 53.10.</li> <li>▪ Used for an Adult sex product shop.</li> </ul>	

## Transitional provisions

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

## Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

## MORNINGTON PENINSULA PLANNING SCHEME

## 34.01-5

16/01/2018  
VC142

## Neighbourhood and site description and design response

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01 or 55.01, as appropriate:

- Construction or extension of one dwelling on a lot of less than 300 square metres.
- Construction of a dwelling if there is at least one dwelling existing on the lot.
- Construction of two or more dwellings on a lot.
- Extension of a dwelling if there are two or more dwellings on the lot.
- Construction or extension of a dwelling on common property
- Construction or extension of a residential building.

Clause 34.01-5 does not apply to an apartment development.

Satisfactory neighbourhood and site description before notice and decision

If the responsible authority decides that the neighbourhood and site description is not satisfactory it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01 or 55.01 and is satisfactory

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

## 34.01-6

01/07/2021  
VC203

## Application requirements

## Use

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulation 2012 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

## Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.

## MORNINGTON PENINSULA PLANNING SCHEME

- The location, height and purpose of buildings and works on adjoining land.
- Relevant ground levels.
- The layout of existing and proposed buildings and works.
- All driveway car parking and loading areas.
- Proposed landscape areas.
- All external storage and waste treatment areas.
- Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct or extend an apartment development or to construct or extend a dwelling in or forming part of an apartment development must be accompanied by an urban context report and design responses as required in Clause 58.01.

## 34.01-7

31/07/2018  
VC148

## Exemption from notice and review

An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

## 34.01-8

20/12/2021  
VC174

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

## General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The interface with adjoining zones, especially the relationship with residential areas.

## Use

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

## Subdivision

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

## MORNINGTON PENINSULA PLANNING SCHEME

## Building and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- For an apartment development the objectives, standards and decision guidelines of Clause 58.

## Transitional provisions

The objectives, standards and decision guidelines of Clause 55 of this scheme as in force immediately before the approval date of Amendment VC136, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clauses 55 and 58 of this scheme as in force immediately before the approval date of Amendment VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

34.01-9

31/07/2018  
VC148

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 1.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE

## 1.0

22/07/2021  
C255morn

## Maximum leasable floor area requirements

Land	Maximum leasable floor area for Office (square metres)	Maximum leasable floor area for Shop (other than Restricted retail premises) (square metres)
70 Mountain View Road, Mount Eliza	None specified	270 sqm

## MORNINGTON PENINSULA PLANNING SCHEME

34.02

31/07/2018  
VC148

## COMMERCIAL 2 ZONE

Shown on the planning scheme map as B3Z, B4Z or C2Z.

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses and associated business and commercial services.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

34.02-1

06/10/2023  
VC247

## Table of uses

## Section 1 - Permit not required

Use	Condition
Art and craft centre	
Art gallery	
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Cinema Cinema based entertainment facility	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Food and drink premises	The leasable floor area must not exceed 100 square metres.
Industry (other than Materials recycling and Transfer station)	Must not be a purpose listed in the table to Clause 53.10 with no threshold specified. The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution: <ul style="list-style-type: none"> <li>The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> Must not: <ul style="list-style-type: none"> <li>Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> <li>Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul>
Informal outdoor recreation	
Mail centre	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Museum	
Office	
Postal agency	
Railway	
Restricted retail premises	
Shop (other than Adult sex product shop, Restricted retail premises and Supermarket)	<p>Must adjoin, or be on the same land as, a supermarket when the use commences.</p> <p>The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres.</p> <p>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</p>
Supermarket	<p>The leasable floor area must not exceed 1800 square metres.</p> <p>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</p> <p>Must be on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.</p>
Trade supplies	
Tramway	
Warehouse (other than Mail centre)	<p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or corrective institution:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul>
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

## MORNINGTON PENINSULA PLANNING SCHEME

## Section 2 - Permit required

Use	Condition
Adult sex product shop	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
Agriculture (other than Animal production and Apiculture)	
Caretaker's house	
Container deposit scheme centre	
Education centre	
Grazing animal production	
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Materials recycling	
Place of assembly (other than Art gallery, Carnival, Cinema, Cinema based entertainment facility, Circus and Museum)	
Residential hotel	
Retail premises (other than Food and drink premises, Postal agency, Restricted retail premises, Supermarket and Trade supplies)	
Supermarket –if the Section 1 conditions are not met	<p>The leasable floor area must not exceed 1800 square metres unless on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.</p> <p>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</p>
Transfer station (other than Automated collection point and Container deposit scheme centre)	The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	



## MORNINGTON PENINSULA PLANNING SCHEME

## Section 3 - Prohibited

Use
Accommodation (other than Caretaker's house and Residential hotel)
Animal production (other than Grazing animal production)
Hospital
Major sports and recreation facility
Motor racing track

## 34.02-2

15/07/2013  
VC100

## Use of land

A use must not detrimentally affect the amenity of the neighbourhood including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

## 34.02-3

31/07/2018  
VC148

## Subdivision

A permit is required to subdivide land.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>– Has started lawfully.</li> </ul> </li> </ul>	Clause 59.02

## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
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- The subdivision does not create a vacant lot.

## 34.02-4

01/12/2023  
VC217

## Buildings and works

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter
  - At least 80 percent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
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Construct a building or construct or carry out works with an estimated cost of up to \$500,000 where the land is not:

- Within 30 metres of land (not a road) which is in a residential zone.
- Used for a purpose listed in the table to Clause 53.10.
- Used for an Adult sex product shop.

## Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority

## 34.02-5

01/07/2021  
VC203

## Application requirements

## Use

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods or materials, hours of operation and light spill, solar access and glare.
- The means of maintaining areas not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.

## MORNINGTON PENINSULA PLANNING SCHEME

- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1995 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

## Building and works

An application to construct a building or for a constructor to carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surface to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

## 34.02-6

31/07/2018  
VC148

## Exemption from notice and review

An application to subdivide land or construct a building or for a constructor to carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

## 34.02-7

31/07/2018  
VC148

## Decision guidelines

## General

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The interface with adjoining zones, especially the relationship with residential areas.

## Use

- The effect that existing uses may have on the proposed use.

## MORNINGTON PENINSULA PLANNING SCHEME

- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- If an industry or warehouse, the effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

## Subdivision

- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- Any natural or cultural values on or near the land.
- Streetscape character
- Landscape treatment.

## Building and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- Any natural or cultural values on or near the land.
- Outdoor storage, lighting, and stormwater discharge.
- The design of buildings to provide for solar access.

34.02-8

31/07/2018  
VC148

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 1.

MORNINGTON PENINSULA PLANNING SCHEME

35

19/01/2006  
VC37

RURAL ZONES

## MORNINGTON PENINSULA PLANNING SCHEME

35.04

31/07/2018  
VC148

## GREEN WEDGE ZONE

Shown on the planning scheme map as GWZ with a number (if shown).

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreation and tourism opportunities and mineral and stone resources.

To encourage use and development that is consistent with sustainable land management practices.

To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.

To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.

To protect and enhance the biodiversity of the area.

35.04-1

01/01/2024  
VC250

## Table of uses

## Section 1 - Permit not required

Use	Condition
Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)	
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.  Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 5 animals.
Grazing animal production	
Home based business	
Informal outdoor recreation	
Poultry farm	Must be no more than 100 poultry (not including emus or ostriches).  Must be no more than 10 emus and ostriches.

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Primary produce sales	Must not be within 100 metres of a dwelling in separate ownership.  The area used for the display and sale of primary produce must not exceed 50 square metres.
Racing dog husbandry	Must be no more than 5 animals.
Railway	
Rural store	Must be used in conjunction with Agriculture.  Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.  Must be the only Rural store on the lot.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
Animal production (other than Cattle feedlot, Grazing animal production and Poultry farm)	
Broiler farm - if the Section 1 condition to Poultry farm is not met	Must meet the requirements of Clause 53.09.
Camping and caravan park	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot	Must meet the requirements of Clause 53.08.  The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Domestic animal boarding	
Dwelling (other than Bed and breakfast)	Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.  Must meet the requirements of Clause 35.04-2.
Exhibition centre	
Freezing and cool storage	The goods stored must be agricultural produce, or products used in agriculture.
Function centre	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
	<p>The number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
Group accommodation	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry, or Winery.</p> <p>The number of dwellings must not exceed the number specified in a schedule to the zone or 40 dwellings, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
Hall	
Host farm	
Indoor recreation facility	Must be for equestrian based leisure, recreation or sport.
Leisure and recreation (other than Indoor recreation facility , Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Major sports and recreation facility	Must be for outdoor leisure, recreation or sport.
Manufacturing sales	Must be an incidental part of Rural industry.
Market	
Materials recycling	<p>Must be used in conjunction with Refuse disposal or Transfer station.</p> <p>Must not include the collecting, dismantling, storing, recycling or selling of used or scrap construction and demolition materials.</p>
Milk depot	
Place of assembly (other than Carnival, Cinema based entertainment facility , Circus, Exhibition centre, Function centre, Hall, Nightclub and Place of worship)	Must not be used for more than 10 days in a calendar year.
Place of worship	
Plant nursery	
Primary school	
Racing dog husbandry – if the Section 1 condition is not met	Must meet the requirements of Clause 53.12.



## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Refuse disposal	
Research and development centre Research centre	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
Residential building (other than Residential hotel)	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>Must be used to provide accommodation for persons away from their normal place of residence.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
Residential hotel	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>The number of bedrooms must not exceed the number specified in a schedule to the zone or 80 bedrooms, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
Restaurant	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>The number of patrons present must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.</p> <p>If used in conjunction with Function centre, the total number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
Restricted place of assembly	Must not be used for more than 30 days in a calendar year.
Rice growing	
Rural industry	
Secondary school	
Solid fuel depot	
Small second dwelling	<p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p> <p>Must meet the requirements of Clause 35.04-2.</p>

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Timber production	Must meet the requirements of Clause 53.11.
Transfer station (other than Automated collection point)	Must not include the collecting, storing or processing of used or scrap construction and demolition materials.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Vehicle store	
Any other use not in Section 1 or 3	

## Section 3 - Prohibited

Use
Accommodation (other than Camping and caravan park, Group accommodation, Host farm, Residential building and Small second dwelling)
Cinema based entertainment facility
Display home centre
Education centre (other than Primary school and Secondary school)
Freeway service centre
Funeral parlour
Hospital
Industry (other than Materials recycling, Refuse disposal, Transfer station, Research and development centre and Rural industry)
Motor racing track
Office
Nightclub
Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales and Restaurant)
Service station
Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot and Vehicle store)

35.04-2

14/12/2023  
VC253

Use of land for a dwelling or small second dwelling

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via a all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling or small second dwelling must be connected to reticulated sewerage if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for a non-site wastewater management system.

## MORNINGTON PENINSULA PLANNING SCHEME

- The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

## 35.04-3

14/12/2023  
VC253

## Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where:	Clause 59.01
<ul style="list-style-type: none"> <li>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</li> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	
Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.	Clause 59.12

## 35.04-4

05/09/2013  
VC103

## Long term lease or licence for accommodation

A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least the minimum subdivision area specified for the land in a schedule to this zone. If no area is specified, each portion of a lot leased or licensed for the purpose of Accommodation must be at least 40 hectares.

## 35.04-5

14/12/2023  
VC253

## Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.04-1. This does not apply to:

## MORNINGTON PENINSULA PLANNING SCHEME

- An alteration or extension to an existing dwelling with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 50 square metres.
- An alteration or extension to a small second dwelling.
- An alteration or extension to an existing building used for agriculture with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. The building must not be used to keep, board, breed or train animals.
- A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - 100 metres from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
  - 40 metres from a Transport Zone 3 or land in a Public Acquisition Overlay for a road if the Head, Transport for Victoria is not the acquiring authority
  - 20 metres from any other road.
  - 5 metres from any other boundary
  - 100 metres from a dwelling or small second dwelling not in the same ownership.
  - 100 metres from a waterway wetland or designated flood plain.
- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$250,000 where:	Clause 59.13
<ul style="list-style-type: none"> <li>▪ The land is not used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</li> </ul>	

## MORNINGTON PENINSULA PLANNING SCHEME

## Class of application

Information  
requirements and  
decision guidelines

- The land is not within 30 metres of land (not a road) which is in a residential zone.
- The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

Any works must not be earthworks specified in the schedule to the zone.

## 35.04-6

22/03/2022  
VC219

## Decision guidelines

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation construction or construction carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

## General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.
- The need to minimise adverse impact on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

## Rural issues

- The maintenance of agricultural production and the impact on the rural economy.
- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.
- The protection and retention of land for future sustainable agricultural activities.

## MORNINGTON PENINSULA PLANNING SCHEME

## Environmental issues

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area including the retention of vegetation and faunal habitat and the need to revegetate and including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.
- The location of on-site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

## Design and siting issues

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and material to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimise the visual impact on the landscape.
- The need to minimise adverse impact on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990

## Primary school or secondary school issues

- Access being provided via an all-weather road with dimensions adequate to accommodate emergency vehicles and not rely on local residential streets for access.
- Access by public transport, or if public transport is not available or adequate, transport may be provided by the school. Where transport is provided by the school the parking of buses should be accommodated on site.
- Connection to reticulated sewerage if available or if not available the wastewater must be treated and retained on-site in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for a non-site wastewater management system.
- In the absence of reticulated sewerage a Land Capability Assessment on the risks to human health and the environment of a non-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- Connection to a reticulated potable water supply or an alternative potable water supply with adequate storage for school use as well as for fire fighting purposes.
- Connection to a reticulated electricity supply or an alternative energy source.

35.04-7

31/07/2018  
VC148

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 1 TO CLAUSE 35.04 GREEN WEDGE ZONE

Shown on the planning scheme map as GWZ1.

## 1.0

22/07/2021  
C255morn

## Subdivision and other requirements

	Land	Area/Dimensions/Number
Minimum subdivision area (hectares)	All land	40 ha
Function centre (number of patrons)	None Specified	None Specified
Group accommodation (number of dwellings)	None Specified	None Specified
Residential hotel (number of bedrooms)	None Specified	None Specified
Restaurant (number of patrons)	None Specified	None Specified
Minimum area for which no permit is required to alter or extend an existing dwelling (square metres)	None Specified	None Specified
Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None Specified	None Specified
Permit requirement for earthworks	Land	
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land	
Earthworks which increase the discharge of saline groundwater	All land	

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 2 TO CLAUSE 35.04 GREEN WEDGE ZONE

Shown on the planning scheme map as GWZ2.

## 1.0

22/07/2021  
C255morn

## Subdivision and other requirements

	Land	Area/Dimensions/Number
Minimum subdivision area (hectares)	All land	40 ha
Function centre (number of patrons)	None specified	None specified
Group accommodation (number of dwellings)	None specified	None specified
Residential hotel (number of bedrooms)	None specified	None specified
Restaurant (number of patrons)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified
Permit requirement for earthworks	Land	
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land	
Earthworks which increase the discharge of saline groundwater	All land	



## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 3 TO CLAUSE 35.04 GREEN WEDGE ZONE

Shown on the planning scheme map as GWZ3.

## 1.0

22/07/2021  
C255morn

## Subdivision and other requirements

	Land	Area/Dimensions/Number
Minimum subdivision area (hectares)	<p>Land subject to Environmental Significance Overlay Schedule 28 (Mornington Peninsula Bushland) which meets the following requirements:</p> <ul style="list-style-type: none"> <li>The lot to be subdivided has remained in the same ownership since 14 May 1975.</li> <li>The lot to be subdivided has a minimum area of 10 hectares.</li> <li>No less than 75 per cent of the lot to be subdivided is affected by the schedule.</li> <li>The applicant is able to demonstrate, by independent valuation, that the limitation on the removal of vegetation has resulted in a loss of value of more than 20 per cent of the site value by comparison with the value of comparable cleared land in the vicinity.</li> <li>The total value of lots to be created by the proposed subdivision is demonstrated, by independent valuation, to not exceed the value of comparable unsubdivided cleared land in the vicinity by more than 20 per cent.</li> <li>A Section 173 Agreement of the Act providing for a conservation covenant is established over the land as a condition of approval.</li> <li>The size, shape and location of the proposed lots are designed to minimise environmental impact and bushfire risk.</li> <li>No previous permission has been granted under this provision.</li> </ul>	1 ha
	All other land	40 ha
Function centre (number of patrons)	None specified	None specified
Group accommodation (number of dwellings)	None specified	None specified
Residential hotel (number of bedrooms)	None specified	None specified
Restaurant (number of patrons)	None specified	None specified

## MORNINGTON PENINSULA PLANNING SCHEME

Land		Area/Dimensions/Number
Minimum area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres).	None specified	None specified
Permit requirement for earthworks		Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary		All land
Earthworks which increase the discharge of saline groundwater		All land

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 4 TO CLAUSE 35.04 GREEN WEDGE ZONE

Shown on the planning scheme map as GWZ4.

## 1.0

22/07/2021  
C255morn

## Subdivision and other requirements

	Land	Area/Dimensions/Number
Minimum subdivision area (hectares)	<p>Land subject to Environmental Significance Overlay Schedule 28 (Mornington Peninsula Bushland) which meets the following requirements:</p> <ul style="list-style-type: none"> <li>The lot to be subdivided has remained in the same ownership since 14 May 1975.</li> <li>The lot to be subdivided has a minimum area of 10 ha.</li> <li>No less than 75 per cent of the lot to be subdivided is affected by the schedule.</li> <li>The applicant is able to demonstrate, by independent valuation, that the limitation on the removal of vegetation has resulted in a loss of value of more than 20 per cent of the site value by comparison with the value of comparable cleared land in the vicinity.</li> <li>The total value of lots to be created by the proposed subdivision is demonstrated, by independent valuation, to not exceed the value of comparable unsubdivided cleared land in the vicinity by more than 20 per cent.</li> <li>A Section 173 Agreement of the Act providing for a conservation covenant is established over the land as a condition of approval.</li> <li>The size, shape and location of the proposed lots are designed to minimise environmental impact and bushfire risk.</li> <li>No previous permission has been granted under this provision.</li> </ul>	1 ha
	All other land	80 ha
Function centre (number of patrons)	None specified	None specified
Group accommodation (number of dwellings)	None specified	None specified
Residential hotel (number of bedrooms)	None specified	None specified
Restaurant (number of patrons)	None specified	None specified

## MORNINGTON PENINSULA PLANNING SCHEME

Land		Area/Dimensions/Number
Minimum area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified
Permit requirement for earthworks		Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land	
Earthworks which increase the discharge of saline groundwater	All land	

## MORNINGTON PENINSULA PLANNING SCHEME

35.07

31/07/2018  
VC148

## FARMING ZONE

Shown on the planning scheme maps as FZ with a number (if shown).

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

35.07-1

01/01/2024  
VC250

## Table of uses

## Section 1 – Permit not required

Use	Condition
Agriculture (other than Animal production, Apiculture, Domestic animal husbandry , Racing dog husbandry , Rice growing and Timber production)	
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.  Must be located more than one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> <li>▪ A permit for a wind energy facility; or</li> <li>▪ An application for a permit for a wind energy facility; or</li> <li>▪ An incorporated document approving a wind energy facility; or</li> <li>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul> Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
Cattle feedlot	Must meet the requirements of Clause 53.08.

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
	<p>The total number of cattle to be housed in the cattle feedlot must be 1000 or less.</p> <p>The site must be located outside a special water supply catchment under the Catchment and Land Protection Act 1994.</p> <p>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</p>
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 5 animals.
Dwelling (other than Bed and breakfast)	<p>Must be the only dwelling on the lot.</p> <p>The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p> <p>Must meet the requirements of Clause 35.07-2.</p> <p>Must be located more than one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> <li>▪ A permit for a wind energy facility; or</li> <li>▪ An application for a permit for a wind energy facility; or</li> <li>▪ An incorporated document approving a wind energy facility; or</li> <li>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul> <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</p>
Grazing animal production	
Home based business	
Informal outdoor recreation	
Poultry farm	<p>Must be no more than 100 poultry (not including emus or ostriches).</p> <p>Must be no more than 10 emus and ostriches.</p>
Primary produce sales	<p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>The area used for the display and sale of primary produce must not exceed 50 square metres.</p>
Racing dog husbandry	Must be no more than 5 animals.
Railway	
Rural industry (other than Abattoir and Sawmill)	<p>Must not have a gross floor area more than 200 square metres.</p> <p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p>

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
	<p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul>
Rural store	<p>Must be used in conjunction with Agriculture.</p> <p>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.</p> <p>Must be the only Rural store on the lot.</p>
Rural worker accommodation	<p>The number of persons accommodated at any time must not be more than 10.</p> <p>Must be used in conjunction with Agriculture on the same land or contiguous land in the same ownership.</p> <p>Must be used exclusively for accommodating workers engaged on the same land or contiguous land in the same ownership.</p> <p>Must be the only accommodation other than a dwelling on the same land or contiguous land in the same ownership.</p> <p>Must be on the same lot as an existing dwelling.</p> <p>The lot must be at least the area specified in a schedule to this zone for which no permit is required to use land for a dwelling. If no area is specified, the lot must be at least 40 hectares.</p> <p>Must meet the requirements of Clause 35.07-2.</p> <p>Must be located more than one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> <li>▪ A permit for a wind energy facility; or</li> <li>▪ An application for a permit for a wind energy facility; or</li> <li>▪ An incorporated document approving a wind energy facility; or</li> <li>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul> <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</p>

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Small second dwelling	<p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p> <p>Must meet the requirements of Clause 35.07-2.</p> <p>Must be located more than one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> <li>▪ A permit for a wind energy facility; or</li> <li>▪ An application for a permit for a wind energy facility; or</li> <li>▪ An incorporated document approving a wind energy facility; or</li> <li>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul> <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</p>
Timber production	<p>Must meet the requirements of Clause 53.11.</p> <p>The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.</p> <p>The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.</p> <p>The plantation must not be within 100 metres of:</p> <ul style="list-style-type: none"> <li>▪ Any dwelling in separate ownership.</li> <li>▪ Any land zoned for residential, commercial or industrial use.</li> <li>▪ Any site specified on a permit which is in force which permits a dwelling to be constructed.</li> </ul> <p>The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.</p>
Tramway	
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

## Section 2 – Permit required

Use	Condition
Abattoir	
Animal production (other than Cattle feedlot, Grazing animal production and Poultry farm)	
Broiler farm - if the Section 1 condition to Poultry farm is not met	Must meet the requirements of Clause 53.09.



## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Camping and caravan park	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot – if the Section 1 condition is not met	Must meet the requirements of Clause 53.08.  The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Cemetery	
Crematorium	
Domestic animal boarding	
Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met	Must meet the requirements of Clause 35.07-2.
Emergency services facility	
Freeway service centre	Must meet the requirements of Clause 53.05.
Group accommodation	
Host farm	
Industry (other than Automated collection point and Rural industry)	
Landscape gardening supplies	
Leisure and recreation (other than Informal outdoor recreation)	
Manufacturing sales	
Market	
Place of assembly (other than Amusement parlour ,Carnival, Cinema based entertainment facility ,Circus and Nightclub)	
Primary school	
Racing dog husbandry – if the Section 1 condition is not met	Must meet the requirements of Clause 53.12.
Renewable energy facility (other than Wind energy facility)	Must meet the requirements of Clause 53.13.
Residential hotel	
Restaurant	
Rice growing	
Rural worker accommodation – if the Section 1 condition is not met	Must meet the requirements of Clause 35.07-2.

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Sawmill	
Secondary school	
Timber production – if the Section 1 condition is not met	Must meet the requirements of Clause 53.11.
Trade supplies	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Warehouse (other than Rural store)	
Wind energy facility	Must meet the requirements of Clause 52.32.
Winery	
Any other use not in Section 1 or 3	

## Section 3 – Prohibited

Use
Accommodation (other than Bed and breakfast, Camping and caravan park, Dwelling, Group accommodation, Host farm, Residential hotel, Rural worker accommodation and Small second dwelling)
Amusement parlour
Cinema based entertainment facility
Education centre (other than Primary school and Secondary school)
Nightclub
Office
Retail premises (other than Market, Landscape gardening supplies, Manufacturing sales, Primary produce sales, Restaurant and Trade supplies)
Small second dwelling – if the Section 1 condition is not met

## 35.07-2

14/12/2023  
VC253

Use of land for a dwelling, small second dwelling or rural worker accommodation  
A lot used for a dwelling, small second dwelling or rural worker accommodation must meet the following requirements:

- Access to the dwelling, small second dwelling or rural worker accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- Each dwelling, small second dwelling or rural worker accommodation must be connected to reticulated sewerage if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.

## MORNINGTON PENINSULA PLANNING SCHEME

- The dwelling, small second dwelling or rural worker accommodation must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling, small second dwelling or rural worker accommodation must be connected to a reticulated electricity supply or have an alternative energy source.

## 35.07-3

14/12/2023  
VC253

## Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit cannot be granted which would allow a separate lot to be created for land containing a small second dwelling.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</li> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> <li>▪ The land is not used for Rural worker accommodation</li> </ul>	Clause 59.01
Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone where the land is not used for Rural worker accommodation.	Clause 59.12

## 35.07-4

14/12/2023  
VC253

## Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres.

## MORNINGTON PENINSULA PLANNING SCHEME

- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 250 square metres. Any area specified must be more than 250 square metres.
- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 250 square metres. Any area specified must be more than 250 square metres. The building must not be used to keep, board, breed or train animals.
- A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - The setback from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road specified in a schedule to this zone or, if no setback is specified, 50 metres.
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
  - 100 metres from a small second dwelling not in the same ownership.
  - 100 metres from a waterway wetland or designated flood plain or, the distance specified in the schedule to this zone. Any distance specified must be less than 100 metres.
- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway wetland or designated flood plain.
  - A dwelling or small second dwelling not in the same ownership.
  - A residential or urban growth zone.
- A building or works associated with accommodation located within one kilometre from the nearest title boundary of land subject to:
  - A permit for a wind energy facility; or
  - An application for a permit for a wind energy facility; or
  - An incorporated document approving a wind energy facility; or
  - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works associated with a Section 1 use in the Table of uses of the zone with an estimated cost of up to \$500,000.	Clause 59.13
Any works must not be earthworks specified in the schedule to the zone.	
Construct a building or construct or carry out works associated with a Section 2 use in the Table of uses of the zone with an estimated cost of up to \$500,000 where:	Clause 59.13
<ul style="list-style-type: none"> <li>▪ The land is not used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry, Rural industry or Rural worker accommodation.</li> <li>▪ The land is not within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ The building or works are not associated with accommodation located within one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> <li>– A permit for a wind energy facility; or</li> <li>– An application for a permit for a wind energy facility; or</li> <li>– An incorporated document approving a wind energy facility; or</li> <li>– A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul> </li> <li>▪ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</li> </ul>	
Any works must not be earthworks specified in the schedule to the zone.	

## 35.07-5

19/01/2006  
VC37

## Application requirements for dwellings

An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

## 35.07-6

22/03/2022  
VC219

## Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

## General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

## MORNINGTON PENINSULA PLANNING SCHEME

## Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated management plan prepared for the site.
- Whether Rural worker accommodation is necessary, having regard to:
  - The nature and scale of the agricultural use.
  - The accessibility to residential areas and existing accommodation and the remoteness of the location.
- The duration of the use of the land for Rural worker accommodation.

## Accommodation issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.
- The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:
  - A permit for a wind energy facility; or
  - An application for a permit for a wind energy facility; or
  - An incorporated document approving a wind energy facility; or
  - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

## Environmental issues

- The impact of the proposal on the natural physical features and resources of the area in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.

## MORNINGTON PENINSULA PLANNING SCHEME

- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate, including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient load on waterways and native vegetation.

## Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunication and sewerage facilities.
- Whether the use and development will require traffic management measures.
- The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:
  - A permit for a wind energy facility; or
  - An application for a permit for a wind energy facility; or
  - An incorporated document approving a wind energy facility; or
  - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990

35.07-7

31/07/2018  
VC148

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 4.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 35.07 FARMING ZONE

Shown on the planning scheme map as FZ.

## 1.0

20/01/2022  
VC205

## Subdivision and other requirements

	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares)	All land	40 ha
Minimum area for which no permit is required to use land for a dwelling (hectares)	All land	0.4 ha
Maximum area for which no permit is required to use land for timber production (hectares)	All land	40 ha
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified
Minimum setback from a road (metres)	A Transport Zone 2 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>The Head, Transport for Victoria is the acquiring authority; and</li> <li>The purpose of the acquisition is for a road.</li> </ul>	100 m
	A Transport Zone 3 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>The Head, Transport for Victoria is not the acquiring authority; and</li> <li>The purpose of the acquisition is for a road.</li> </ul>	40 m
	Any other road	20 m
Minimum setback from a boundary (metres)	Any other boundary	5 m
Minimum setback from a dwelling not in the same ownership (metres)	Any dwelling not in the same ownership	100 m



# MORNINGTON PENINSULA PLANNING SCHEME

Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land
Earthworks which increase the discharge of saline groundwater	All land

MORNINGTON PENINSULA PLANNING SCHEME

36

19/01/2006  
VC37

PUBLIC LAND ZONES

## MORNINGTON PENINSULA PLANNING SCHEME

## 36.01

31/07/2018  
VC148

## PUBLIC USE ZONE

Shown on the planning scheme map as PUZ with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise public land use for public utility and community services and facilities.

To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

## 36.01-1

14/11/2022  
VC227

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Railway	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
Any other use	The use must be for the purpose described in the table to Clause 36.01-6 which corresponds to the notation on the planning scheme map. The use must be carried out by or on behalf of the public land manager.

## Section 2 - Permit required

Use	Condition
-----	-----------

## Section 3 - Prohibited

Use
Nil

## 36.01-2

19/01/2006  
VC37

## Permit requirement

A permit is required to:

- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.01-1. This does not apply to navigational beacons and aids.
- Subdivide land.

## 36.01-3

19/01/2006  
VC37

## Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager indicating that the public land manager consents generally or conditionally either:

## MORNINGTON PENINSULA PLANNING SCHEME

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.

## 36.01-4

31/07/2018  
VC148

## Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the developments are appropriately located and designed including in accordance with any relevant use, design or siting guidelines.

## 36.01-5

19/01/2006  
VC37

## Permit not required

A permit is not required to use land, or to construct a building or construct or carry out works on land, listed in a schedule to this zone, provided any condition in the schedule is complied with.

## 36.01-6

20/01/2022  
VC205

## Table of public land use

Shown on the planning scheme map	Purpose of public land use
PUZ1	Service & Utility
PUZ2	Education
PUZ3	Health & Community
PUZ5	Cemetery/Crematorium
PUZ6	Local Government
PUZ7	Other public use

## 36.01-7

20/01/2022  
VC205

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.

Where a Transport Zone 2 or a Transport Zone 3 is the nearest adjoining zone, a permit is required to display a sign.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 36.01 PUBLIC USE ZONE

## 1.0

22/07/2021  
C255morn

## Permit exemptions and conditions

Public land	Use or development	Conditions
None specified	None specified	None specified

## 2.0

22/07/2021  
C255morn

## Sign requirements

Land	Sign Category
None specified	None specified

## MORNINGTON PENINSULA PLANNING SCHEME

36.02

31/07/2018  
VC148

## PUBLIC PARK AND RECREATION ZONE

Shown on the planning scheme map as PPRZ.

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise areas for public recreation and open space.

To protect and conserve areas of significance where appropriate.

To provide for commercial uses where appropriate.

36.02-1

15/03/2024  
VC256

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Informal outdoor recreation	
Open sports ground	Must be conducted by or on behalf of the public land manager. Must not be on coastal Crown land under the Marine and Coastal Act 2018.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
Contractor's depot	Must be either of the following:
Heliport	A use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995, or the Crown Land (Reserves) Act 1978.
Office	
Retail premises	
Store	
Any other use not in Section 3	A use specified in an Incorporated plan in a schedule to this zone.

## Section 2 - Permit required

Use	Condition
Contractor's depot - if the Section 1 condition is not met	Must be associated with the public land use.
Heliport - if the Section 1 condition is not met	Must be associated with the public land use.
Office - if the Section 1 condition is not met	Must be associated with the public land use.
Retail premises - if the Section 1 condition is not met	Must be associated with the public land use.
Store - if the Section 1 condition is not met	Must be associated with the public land use.

## MORNINGTON PENINSULA PLANNING SCHEME

## Section 3 - Prohibited

## Use

Cinema based entertainment facility

Corrective institution

Display home centre

Funeral parlour

Industry (other than Automated collection point)

Saleyard

Transport terminal (other than Heliport)

Veterinary centre

Warehouse (other than Store)

## 36.02-2

03/02/2022  
VC199

## Permit requirement

A permit is required to:

- Construct a building or constructor carry out works. This does not apply to:
  - Pathways, trails, seating, picnic tables, drinking taps, shelters, barbecues, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
  - Playground equipment or sporting equipment provided these facilities do not occupy more than 10 square metres of parkland.
  - Navigational beacons and aids.
  - Planting or landscaping.
  - Fencing that is 1 metre or less in height above ground level.
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works carried out by or on behalf of a public land manager Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995 or the Crown Land (Reserves) Act 1978.
- Subdivide land.

## 36.02-3

19/01/2006  
VC37

## Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.

## 36.02-4

31/07/2018  
VC148

## Exemption from notice and review

An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

## 36.02-5

31/07/2018  
VC148

## Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the developments are appropriately located and designed including in accordance with any relevant use, design or siting guidelines.

## 36.02-6

19/01/2006  
VC37

## Incorporated plan

An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of any proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses or a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native and other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.

## 36.02-7

19/01/2006  
VC37

## Use and development of land identified in a schedule

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated documents is complied with.

## 36.02-8

31/07/2018  
VC148

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.



## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 36.02 PUBLIC PARK AND RECREATION ZONE

## 1.0

03/03/2022  
C263morn

## Permit exemptions and conditions

Public land	Use or development	Conditions
275 Main Street, Mornington –known as Alexandra Park.	Medical Centre use.	Must comply with the Alexandra Park Pavilion Redevelopment (275 Main Street, Mornington), Incorporated Plan, September 2021.
All other land.	None specified.	None specified.

## 2.0

03/03/2022  
C263morn

## Sign requirements

Land	Sign Category
275 Main Street, Mornington - known as Alexandra Park.	Category 3.
All other land.	None specified.

## 3.0

03/03/2022  
C263morn

## Use and development of land specified in an Incorporated Plan

No permit is required for the use of a Medical Centre, as specified in the Alexandra Park Pavilion Redevelopment (275 Main Street, Mornington), Incorporated Plan, September 2021.

## MORNINGTON PENINSULA PLANNING SCHEME

36.03

31/07/2018  
VC148

## PUBLIC CONSERVATION AND RESOURCE ZONE

Shown on the planning scheme map as PCRZ.

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.

To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.

To provide for appropriate resource based uses.

36.03-1

14/11/2022  
VC227

## Table of uses

## Section 1 - Permit not required

Use	Condition
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 2011.
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Boat launching facility	Must be either of the following:
Camping and caravan park	<ul style="list-style-type: none"> <li>A use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995 or the Crown Land (Reserves) Act 1978.</li> <li>Specified in an Incorporated plan in a schedule to this zone.</li> </ul>
Caretaker's house	
Car park	
Informal outdoor recreation	
Interpretation centre	
Jetty	
Kiosk	
Marine dredging	
Mooring pole	
Open sports ground	
Pier	
Pontoon	
Road	
Utility installation (other than Telecommunications facility)	
Any use listed in Clause 62.01 (other than Apiculture)	
Any other use not in Section 2 or 3	Must be a use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
	National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995 or the Crown Land (Reserves) Act 1978.

## Section 2 - Permit required

Use	Condition
Emergency services facility	
Renewable energy facility (other than Wind energy facility)	Must not be located on land reserved under the National Parks Act 1975.  Must meet the requirements of Clause 53.13.
Wind energy facility	Must not be located on land described in a schedule to the National Parks Act 1975. This does not apply where the Wind energy facility is principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.  Must meet the requirements of Clause 52.32.

## Section 3 - Prohibited

Use
The use in Section 1 described as 'Any other use not in Section 2 or 3' – if the Section 1 condition is not met

36.03-2  
03/02/2022  
VC199

## Permit requirement

A permit is required to:

- Construct a building or for a constructor to carry out works. This does not apply to:
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works specified in Clause 62.02-1 or 62.02-2 carried out by or on behalf of a public authority or municipal council, if the public authority or municipal council is carrying out functions, powers or duties conferred by or under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995 or the Crown Land (Reserves) Act 1978.
  - A building or works carried out by or on behalf of a public land manager Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995, the Crown Land (Reserves) Act 1978 or the Road Management Act 2004.
- Subdivide land.

## MORNINGTON PENINSULA PLANNING SCHEME

## 36.03-3

20/03/2023  
VC229

## Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.

Where there is no public land manager an application for a permit must be accompanied by the written consent of the Secretary to the Department of Energy, Environment and Climate Action.

## 36.03-4

31/07/2018  
VC148

## Exemption from notice and review

An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1)(a), (b), and (d), the decision requirements of sections 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 36.03-5

18/06/2010  
VC62

## Referral of applications

An application to use or develop land for the purpose of an emergency services facility must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

## 36.03-6

31/07/2018  
VC148

## Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the developments are appropriately located and designed including in accordance with any relevant use, design or siting guidelines.

## 36.03-7

18/06/2010  
VC62

## Incorporated plan

An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses and a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native or other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural, heritage or scientific value.

## MORNINGTON PENINSULA PLANNING SCHEME

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.

**36.03-8**

18/06/2010  
VC62

Use and development of land identified in a schedule

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated documents is complied with.

**36.03-9**

31/07/2018  
VC148

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 36.03 PUBLIC CONSERVATION AND RESOURCE ZONE

## 1.0

20/10/2022  
C227morn

## Permit exemptions and conditions

Public land	Use or development	Conditions
191A - 191 Browns Road, Boneo 3939 being: 1\TP251265 & 2\TP251265	Subdivision	Each lot must be at least 40ha.

## 2.0

22/07/2021  
C255morn

## Sign requirements

Land	Sign Category
None specified	None specified

## 3.0

22/07/2021  
C255morn

Use and development of land specified in an Incorporated Plan  
Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

## 36.04

20/01/2022  
VC205

## TRANSPORT ZONE

Shown on the planning scheme map as TRZ with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for an integrated and sustainable transport system.

To identify transport land use and land required for transport services and facilities.

To provide for the use and development of land that complements or is consistent with the transport system or public land reservation.

To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.

## 36.04-1

15/03/2024  
VC256

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Railway	
Railway station	The combined leasable floor area for the selling of food, drink and other convenience goods and services must not exceed 800 square metres.
Tramway	
Transport terminal (other than Railway station)	The use must be carried out by or on behalf of a relevant transport manager.
Utility installation (other than Minor utility installation and Telecommunications facility)	The use must be carried out by or on behalf of a relevant transport manager.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
Any other use	The use must be for a transport purpose and carried out by or on behalf of a relevant transport manager.

## Section 2 - Permit required

Use	Condition
-----	-----------

## Section 3 - Prohibited

Use
Nil

## MORNINGTON PENINSULA PLANNING SCHEME

## 36.04-2

20/01/2022  
VC205

## Permit requirement

A permit is required to:

- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.04-1. This does not apply to navigational beacons and aids.
- Subdivide land.

## 36.04-3

20/01/2022  
VC205

## Application requirements

An application by a person other than a relevant transport manager on land shown on a planning scheme map as TRZ1 or TRZ2 must be accompanied by the written consent of the Head, Transport for Victoria, indicating that the Head, Transport for Victoria consents generally or conditionally to either:

- The application being made.
- The application being made and to the proposed use or development.

## 36.04-4

20/01/2022  
VC205

## Table of transport uses

Shown on the planning scheme map	Purpose of transport use
TRZ1	State transport infrastructure
TRZ2	Principal road network
TRZ3	Significant municipal road
TRZ4	Other transport use

## 36.04-5

20/01/2022  
VC205

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect of the proposal on the development, operation and safety of the transport system.
- Whether the developments are appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

## 36.04-6

12/02/2024  
VC254

## Signs

Sign requirements are at Clause 52.05.

A permit is required to construct or put up for display a sign:

- over a road carriageway or over land within 600 millimetres of a carriageway
- on land in a Transport Zone 1, if a Transport Zone 2 or Transport Zone 3 is the adjoining zone.

For all other land in this zone, the sign category which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.



MORNINGTON PENINSULA PLANNING SCHEME

37

19/01/2006  
VC37

SPECIAL PURPOSE ZONES

## MORNINGTON PENINSULA PLANNING SCHEME

## 37.01

31/07/2018  
VC148

## SPECIAL USE ZONE

Show on the planning scheme maps as SUZ with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

## 37.01-1

19/01/2006  
VC37

## Table of uses

## Section 1 - Permit not required

Use	Condition
Any use in Section 1 of the schedule to this zone	Must comply with any condition in Section 1 of the schedule to this zone

## Section 2 - Permit required

Use	Condition
Any use in Section 2 of the schedule to this zone	Must comply with any condition in Section 2 of the schedule to this zone.
Any other use not in Section 1 or 3 of the schedule to this zone	

## Section 3 - Prohibited

Use
Any use in Section 3 of the schedule to this zone

## 37.01-2

31/07/2018  
VC148

## Use of land

Any requirement in the schedule to this zone must be met.

## Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

## Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

## MORNINGTON PENINSULA PLANNING SCHEME

## 37.01-3

14/12/2023  
VC253

## Subdivision

## Permit requirement

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>The area of either lot is reduced by less than 15 percent.</li> <li>The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>Has started lawfully.</li> </ul> </li> <li>The subdivision does not create a vacant lot.</li> </ul>	Clause 59.02

## Application requirements

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

## Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

## MORNINGTON PENINSULA PLANNING SCHEME

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

## 37.01-4

20/12/2021  
VC174

## Buildings and works

## Permit requirement

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$500,000 and the land is not:	Clause 59.04
<ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 53.10.</li> </ul>	

## Transitional provisions

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clause 58 of this scheme as in force immediately before the approval date of Amendment VC174, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

## Application requirements

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

An application to construct or extend an apartment development or to construct or extend a dwelling in or forming part of an apartment development must be accompanied by an urban context report and design responses as required in Clause 58.01.

## Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- For an apartment development the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

37.01-5

31/07/2018  
VC148

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 1 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ1.

## PORT RELATED USES

## Purpose

To provide a location for selected port and industrial uses which depend upon or gain significant economic advantage from the natural deep water channels in Westernport.

To enable the effective implementation of the Hastings Port Industrial Area Land Use Structure Plan (Department of Planning and Development 1996).

To protect the environmental values of the waters, coastline and intertidal areas of Westernport and adjoining land.

To provide for the interim rural use of land to the extent consistent with maintaining land resources for future port and port related development.

To protect the towns of Tyabb, Hastings, Crib Point and Bittern by ensuring that no port industrial development which may have an adverse effect on the amenity or safety of residents occurs in proximity to residential areas.

1.0  
01/12/2023  
VC217

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Crop raising (other than Timber production)	
Grazing animal production	
Home based business	
Horse stables	
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Railway	
Search for stone	Must not be costeaning or bulk sampling.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

## MORNINGTON PENINSULA PLANNING SCHEME

## Section 2 - Permit required

Use	Condition
Agriculture (other than Apiculture, Domestic animal husbandry , Crop raising, Grazing animal production and Horse stables).	
Domestic animal husbandry	The premises must be located at least 1 kilometre from the nearest residential zone if more than four animals are kept.
Boat and caravan storage	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Caretaker 's house	
Dependent person 's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Caretaker 's house)	Must meet the requirements under the heading Dwellings of Clause 2 to this schedule.  Must not be located in the Restricted Occupancy Area.
Education centre (other than Primary School and Secondary School).	
Industry (other than Automated collection point and Rural industry)	Must be dependent on or gain significant economic advantage from proximity to deep water port facilities, be directly associated with such a use or be a marine service industry.
Leisure and recreation (other than Indoor recreation facility and Informal outdoor recreation)	
Market	
Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)	
Plant nursery	
Primary produce sales	
Rural store	
Store (other than Boat and caravan storage, Rural store and Vehicle store)	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Timber production	Must meet the requirements of Clause 53.11.
Transport terminal	Must be dependent on or gain significant economic advantage from proximity to deep water port facilities or be directly associated with such a use.

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Utility installation (other than Minor utility installation and Telecommunications facility)	
Vehicle store	
Warehouse (other than Store)	Must be dependent on or gain significant economic advantage from proximity to deep water port facilities or be directly associated with such a use or a marine service industry.
Any other use not in Section 1 or 3	

## Section 3 - Prohibited

Use
Accommodation (other than Dependent person's unit and Dwelling)
Art and craft centre
Education centre
Cinema based entertainment facility
Display home centre
Hospital
Indoor recreation facility
Office
Place of assembly
Primary school
Retail premises (other than Market, Plant nursery and Primary produce sales)
Secondary school
Service station

## 2.0

22/07/2021  
C255morn

## Use of land

## Amenity of the neighbourhood

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

Access for industry must not be made through a residential area. This does not apply to emergency access.

## Application requirements

The following application requirements apply to an application for a permit to use land for a port related use under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:



## MORNINGTON PENINSULA PLANNING SCHEME

- A report which demonstrates a need or significant benefit for the use to establish close to port facilities or associated uses.
- An assessment of the environmental significance of the site and proposals relating to the maintenance of significant conservation values.
- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored or produced.
- How the land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on adjoining land, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water
  - Traffic, including the hours of delivery and dispatch.
  - Light spill or glare.

## Decision guidelines

The following decision guidelines apply to an application for a permit to use land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The effect that the use may have in terms of the proper future use and development of the land and adjoining areas for port and port related purposes.
- The effect that the use may have on the waters and intertidal areas of Westernport and the environmental values of adjoining land and the need for appropriate environmental assessment studies.
- The need for and adequacy of risk assessment and environmental response plans.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to Clause 53.10 and any comments or directions of referral authorities.
- The effect that nearby industries and other forms of activity may have on the proposed use.
- Whether there is a demonstrated need or significant benefit associated with any proposed industrial or warehouse use being located near port facilities or associated uses.
- The drainage of the land.
- The availability of and connection to services.
- Provision for fire protection and other emergency services.
- The effect of traffic likely to be generated on roads including the need for and provision of traffic management plans and works to the satisfaction of the responsible authority to minimise the adverse impact of major developments on urban communities.
- The intended interim use of those parts of the land not required for the proposed use.
- Any State or local policy guidelines relating to the protection, use or development of port facilities and associated areas including the Hastings Port Industrial Area Land Use Structure Plan (Department of Development 1996).

## MORNINGTON PENINSULA PLANNING SCHEME

## Dwellings

No more than one dwelling on a lot

No more than one dwelling may be permitted on a lot, except as provided under the heading Additional dwelling.

Minimum site area for a dwelling

A site for a dwelling must have a minimum area of at least 1 hectare except that a permit may be granted for lesser area if the responsible authority is satisfied that:

- Approval will not prejudice the future development of the area for port and port related uses.
- The site can absorb all domestic sewage sullage and effluent.
- The dwelling would be compatible with adjoining uses and would not be situated in a dangerous location or where a nuisance to the occupants of the dwelling would or is likely to arise.

Where a site is subject to Clause 45.05 Restructure Overlay the site must comply with the restructure plan.

Restricted occupation area – Long Island Point

The purpose of this provision is to prevent human habitation on the land surrounding the Long Island Fractionation Plant and Crude Oil Storage Tanks. The land south of Bayview Road and east of Jeremiah Road, Tyabb (Long Island Point) must not be used for a dwelling other than a caretaker's house.

Before deciding on an application for any other use the responsible authority must refer the application to the Minister administering the Dangerous Goods Act 1989.

Availability of services

A lot may only be used for a dwelling if the following requirements are met:

- Access must be provided via an all-weather road to the satisfaction of the responsible authority
- The dwelling must be connected to a reticulated sewerage system or if not available, all wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environmental Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes to the satisfaction of the responsible authority
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority

These requirements also apply to a dependent person's unit.

Additional dwelling

A permit may be granted for an additional dwelling if:

- It is proposed to replace an existing dwelling to be demolished
- The dwelling is required to accommodate a person working on the land or a member of the family owning the land.

Before deciding on an application the responsible authority must be satisfied that the additional accommodation is justified due to the intensity and nature of the farming activity on the land.

## 3.0

22/07/2021  
C255morn

## Subdivision

A permit is required to subdivide land.

## MORNINGTON PENINSULA PLANNING SCHEME

Lots may only be created if the land is:

- To be used for an approved port related use, or
- Used as an existing lawful poultry farm, with the minimum lot area for each new lot to be no less than 8 hectares or
- To be re-subdivided in accordance with any Restructure Plan under Clause 45.05, or
- At least 40 hectares in area and has been continuously owned by the same family since the 23rd September 1981. A permit may be granted to subdivide the land into 2 lots each of which is at least 20 hectares. If a permit is granted further subdivision is prohibited under this provision.

Guidelines for permit

The following decision guidelines apply to an application for a permit to subdivide land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The ability of the land as subdivided to accommodate future port related uses.
- The ability of the land to be combined with other lots for use as a port related use.
- The suitability of the subdivision having regard to:
  - Any natural and cultural values on or near the land.
  - The purpose of the zone.
  - The use intended.
  - The extent of any existing or proposedclamation works.
  - The topography of the land.
  - The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.
- Whether the frontage is adequate to provide for industrial traffic requirements.
- Any easement or rights of way which may be required to convey public or private goods or services to or across the land.
- Any other matters which the responsible authority considers relevant to the management of the land resources adjacent to the deep channel in the northern arm of Western Port for selected port and industrial development.

#### 4.0

20/01/2022  
VC205

#### Buildings and works

##### Setbacks for buildings and works

Setbacks for buildings and works related to specific uses

Buildings and works associated with the uses described in the Buffer Area Table below must be constructed or carried out in accordance with the Table and land within 50 metres of a Residential Zone or Low Density Residential Zone or abutting road must be planted with trees and shrubs to the satisfaction of the responsible authority

## MORNINGTON PENINSULA PLANNING SCHEME

Buffer Area Table

Column 1	Column 2	Column 3
Building & works related to a specific form of port related use	Minimum distance from Residential Zone	Minimum distance from Green Wedge Zone, Farming Zone or Low Density Residential Zone
Building & works related to the processing of chemical and petro- chemical products.	400 m	200 m
The bulk storage of flammable products.	400 m	200 m
The bulk storage of non-flammable products.	200 m	100 m
Buildings & works related to the processing of other products.	200 m	100 m
Other buildings & works	100 m	60 m
Car parks & internal access roads.	60 m	30 m

These requirements do not apply to any of the following buildings or works:

- Existing approved port related developments.
- Landscaping.
- Pipelines.
- Minor farm structures fences or works related to farming.
- Sewerage drainage water and gas mains.
- Powerlines.
- Telephones lines.
- Buildings or works constructed or carried out by the Council or a public authority

Setbacks - Non Restricted Uses.

A permit is required to construct or carry out any of the following:

- Any building or works associated with a port related use which is within any of the following setbacks:
  - 100 metres from a Transport Zone 2 or a Transport Zone 3, or land in Public Acquisition Overlay if the Head Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
  - 40 metres from any other road or land within Public Acquisition Overlay 4 – Port service and access corridor.
  - 15 metres from any other boundary
  - 60 metres from any house on adjoining land.
- A building or works not associated with a port related use which is within any of the following setbacks:
  - 100 metres from a Transport Zone 2 or a Transport Zone 3, or land in Public Acquisition Overlay if the Head Transport for Victoria is not the acquiring authority and the purpose of the acquisition is for a road.

## MORNINGTON PENINSULA PLANNING SCHEME

- 20 metres from any other road or land within Public Acquisition Overlay 4 – Port service and access corridor.
- 3 metres for every metre of building height from any other boundary

A permit may be granted to reduce setback in any of the following circumstances:

- The responsible authority is satisfied no loss of amenity would be caused to the landscape or to ecologically significant areas.
- The building to be constructed is any of the following:
  - A house extension.
  - A farm building extension.
  - A farm out-building.
- The responsible authority is satisfied that compliance would be unreasonable or impractical and the building would not prejudice the amenity of the area.

The minimum setback from land within a Transport Zone 2 or a Transport Zone 3, including any associated Public Acquisition Overlay to be acquired for a road, must be no less than 30 metres, other than for extensions to houses and farm buildings.

The setback requirements do not apply to any of the following buildings or works:

- Landscaping including vehicular and pedestrian access.
- Gatehouse or weighbridges.
- Pipelines or conveyors.
- Minor farm structures and also pumps, bores, windmills, troughs, stock loading yards and the like.

#### Industrial Development - Application Requirements

The following information must be submitted with any application for the development of land for the purpose of industry:

- A plan drawn to scale which shows the locations and proposed use of all existing and proposed buildings, the provision of on-site parking, loading and unloading areas, internal vehicle movement, material stockpiles, landscaping, site entrance and exit points, proposed signs and such other information as may be relevant to assessment of the development.
- Details of any proposed removal of native vegetation.
- Plans and information indicating the profile and maximum height of proposed buildings and equipment installations.
- Details concerning the provision of services including water supply, sewerage, gas and electricity and the provision of the disposal of waste materials, effluent and other pollutants.
- Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.
- Where the development involves reclamation, specific information concerning the type and amount of material used to carry out the reclamation works and the most appropriate uses to which reclaimed land can be put.
- Details relating to the establishment of buffer areas particularly in those areas adjacent to residential areas and the landscaping of buffer areas so created.

## MORNINGTON PENINSULA PLANNING SCHEME

- An assessment and proposals relating to the visual integration of proposed buildings and works with the character, landscape and seascape of the area including the colour and finishes to be used in the external faces and coverings of buildings.
- Where a proposed development is located within Design and Development Overlay 8 (Pipeline Policy Area), consent to the development by the Minister for Energy and Minerals must be obtained by the applicant and submitted with the application.

## Control over the removal of native vegetation

Except with a permit, native vegetation must not be removed, destroyed or lopped. This control includes natural swamp vegetation or vegetation forming part of the natural plant association along the shoreline of Western Port Bay.

Further exemptions are listed at Clause 52.17.

Before deciding on an application the responsible authority must consider:

- The value of the native vegetation to be removed in terms of its physical condition, rarity or variety.
- Any alternative means of locating buildings or works to conserve the native vegetation of the area.
- The stability of the soil or surface subsoil after the removal of the native vegetation.
- The effect on the fauna of the area after the removal of the native vegetation.
- The maintenance of the ecological balance of the area.

## Decision guidelines

The following decision guidelines apply to an application for a permit to construct a building or construct or carry out works under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- Any natural and cultural values on or near the land.
- The effect of the proposed development on the future development of the land and adjoining area for port and port related uses.
- The effect of the development on adjoining areas outside of the Special Use Zone.
- Traffic generation and traffic management proposals.
- The adequacy of provision for parking and site access.
- The location and extent of loading, storage and service areas.
- The adequacy of existing roads and infrastructure to support the proposed development.
- The built form and visual impact of the proposed development including signage.
- The objectives and likely effectiveness of the proposed landscaping treatment and the extent of indigenous planting.

## 5.0

20/01/2022  
VC205

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 3, except that a permit may be granted for signs not complying with the requirements of Clause 52.05 in conjunction with the approval of a port related use.

Before deciding on an application, the responsible authority must consider as appropriate:

- The total area, height and number of signs proposed.
- The possible effect of the sign on the amenity and efficiency of a road, particularly a road in Transport Zone 2 or a Transport Zone 3, and the safety of all road users.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 2 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ2.

PRIVATE SPORTS GROUNDS, RELIGIOUS, HEALTH AND EDUCATIONAL ESTABLISHMENTS

## Purpose

To recognise strategic sites that contain recreational, religious, health or educational facilities that perform a significant community function.

1.0

01/12/2023  
VC217

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Mineral exploration	
Mining	Must meet the requirements of clause 52.08-2.
Place of worship	
Railway	
Search for stone	Must not be costeaning or bulk sampling.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

## Section 2 - Permit required

Use	Condition
Agriculture (other than Apiculture, Domestic animal husbandry and Intensive animal production)	
Caretaker's house	Must be used in association with an Education centre, Minor sports and recreation facility or Place of worship.
Convenience shop	
Education centre	
Leisure and recreation facility (other than Motor racing track)	
Market	
Medical centre	
Office (other than a Medical Centre)	The leasable floor area must not exceed 500 square metres.
Place of assembly (other than Amusement parlour and Night club)	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Plant nursery	
Residential aged care facility	Must be used in association with an Education centre, Minor sports and recreation facility or Place of worship.
Residential building	Must be used in association with an Education centre, Minor sports and recreation facility or Place of worship.
Retirement village	Must be used in association with a Place of worship.
Any other use not in Section 1 or 3	

## Section 3 - Prohibited

Use
Accommodation (other than Caretaker's house, Residential building and Retirement village)
Amusement parlour
Domestic animal husbandry
Cemetery
Cinema based entertainment facility
Crematorium
Display home centre
Extractive industry
Industry (other than Automated collection point and Car wash)
Intensive animal production
Motor racing track
Night club
Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)
Service station
Transport terminal
Utility installation
Warehouse

## 2.0

22/07/2021  
C255morn

## Use of land

## Amenity of the neighbourhood

A use must not detrimentally affect the amenity of the neighbourhood including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, dust, wastewater, or waste products.



## MORNINGTON PENINSULA PLANNING SCHEME

## Application requirements

The following application requirements apply to an application for a permit to use land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land including noise levels, traffic, hours of operation and light spill, affect on the privacy of adjoining properties, solar access and glare.
- Maintenance of areas not required for immediate use.

## Decision guidelines

The following decision guidelines apply to an application for a permit to use land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The Municipal Planning Strategy and the Planning Policy Framework and local planning policies.
- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

## 3.0

22/07/2021  
C255morn

## Subdivision

## Permit requirement

A permit is required to subdivide land.

## Decision guidelines

The following decision guidelines apply to an application for a permit to subdivide land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The Municipal Planning Strategy and the Planning Policy Framework and local planning policies.
- The interface with adjoining zones especially the relationship with residential areas.
- The effect the subdivision will have on the potential of the land to accommodate existing and potential future uses in accordance with the purpose of this zone.

## 4.0

22/07/2021  
C255morn

## Buildings and works

## Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to a building or works which:

- Alter electrical or gas services or telephoned lines.
- Alter plumbing services which do not affect the drainage of other land.
- Install a temporary shed or temporary structure for construction purposes.
- Provide for fire protection under the relevant legislation.

## MORNINGTON PENINSULA PLANNING SCHEME

## Application requirements

The following application requirements apply to an application for a permit to construct a building or constructor carry out works under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application as appropriate to the satisfaction of the responsible authority:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway car parking and loading areas.
  - Proposed landscape areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surface to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

## Decision guidelines

The following decision guidelines apply to an application for a permit to construct a building or constructor carry out works under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The Municipal Planning Strategy and the Planning Policy Framework and local planning policies.
- The effect of the proposed buildings and works on the amenity of the neighbouring properties.
- The provision of landscaping.
- The provision of access and car parking, including pick up and drop off areas where appropriate.
- The interface with adjoining zones especially the relationship with residential areas.
- The streetscape access from the street front, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- The design of buildings to provide for solar access.

## Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

MORNINGTON PENINSULA PLANNING SCHEME

5.0

22/07/2021  
C255morn

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 3 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ3.

## AIRFIELD DEVELOPMENT

## Purpose

To provide for the coordinated use and development of land in the vicinity of the Tyabb Airfield.

## 1.0

14/11/2022  
VC227

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Crop raising	
Grazing animal production	
Home based business	
Informal outdoor recreation	
Mail centre	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Railway	
Search for stone	Must not be costeaning or bulk sampling.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

## Section 2 - Permit required

Use	Condition
Agriculture (other than Apiculture, Crop raising, Grazing animal production and Intensive animal production)	
Caretaker's house	
Convenience shop	
Dwelling	Must be the only one dwelling on the lot.
Education centre	Must not be a primary or secondary school.
Food and drink premises	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Industry (other than Automated collection point and Materials recycling)	
Leisure and recreation (other than Motor racing track)	
Market	
Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)	
Motel	
Place of assembly	
Restricted retail premises	
Transport terminal	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Warehouse (other than Mail centre)	
Any other use not in Section 1 or 3	

## Section 3 - Prohibited

Use
Accommodation (other than Caretaker's house and Motel)
Extractive industry
Hospital
Intensive animal production
Materials recycling
Motor racing track
Retail premises (other than Convenience shop, Food and drink premises, Market and Restricted retail premises)

## 2.0

22/07/2021  
C255morn

## Use of land

## Amenity of the neighbourhood

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, dust, wastewater, waste products, oil or otherwise.

## Application requirements

An application to use land for a use associated with the airfield, industry or warehouse must be accompanied by the following information, as appropriate:

## MORNINGTON PENINSULA PLANNING SCHEME

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on the neighbourhood including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water
  - Traffic, including the hours of delivery and dispatch.
  - Light spill or glare.

## Decision guidelines

The following decision guidelines apply to an application for a permit to use land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The Municipal Planning Strategy and the Planning Policy Framework and local planning policies.
- The effect that the use may have on nearby existing or proposed residential areas having regard to any comments or directions of the referral authorities.
- The effect existing activities may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

## 3.0

22/07/2021  
C255morrn

## Subdivision

## Permit requirement

A permit is required to subdivide land.

## Decision guidelines

The following decision guidelines apply to an application for a permit to subdivide land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The Municipal Planning Strategy and the Planning Policy Framework and local planning policies.
- The interface with residential areas.
- The effect the subdivision will have on the potential of the land to accommodate existing and potential future uses in accordance with the purpose of this zone.

## MORNINGTON PENINSULA PLANNING SCHEME

## 4.0

22/07/2021  
C255morn

## Buildings and works

## Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to a building or works which:

- Rearrange, alter, renew or maintain plant if the area or height of the plant is not increased.
- Comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.

## Application requirements

The following application requirements apply to an application for a permit to construct a building or construct or carry out works under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application as appropriate to the satisfaction of the responsible authority:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
- Elevation drawings to scale which show the colour and materials of all buildings.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

## Decision guidelines

The following decision guidelines apply to an application for a permit to construct a building or construct or carry out works under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The Municipal Planning Strategy and the Planning Policy Framework and local planning policies.
- Whether the proposed development will prejudice the future use of the land as an airfield.
- Streetscape character and built form.
- Landscape treatment.
- Interface with residential areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.

## MORNINGTON PENINSULA PLANNING SCHEME

- Lighting.
- Stormwater discharge.

### Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

## 5.0

22/07/2021  
C255morn

### Signs

Sign requirements are at Clause 52.05. This zone is in Category 2.



## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 4 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ4.

## RECREATIONAL DEVELOPMENT

## Purpose

To provide for integrated recreational and residential development in appropriate locations.

## 1.0

01/12/2023  
VC217

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence.  At least one car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling	Must be located south of Pickings Rd and north of Nepean Highway, Safety Beach; be the only dwelling on the lot and meet the requirements of Clause 4.1 of this schedule.
Home based business	
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Railway	
Search for stone	Must not be costeaning or bulk sampling.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
Accommodation (other than Dependent person's unit and Dwelling)	
Agriculture (other than Apiculture, Domestic animal husbandry, Aquaculture, Intensive animal production, and Timber production)	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than four animals.
Bed and breakfast – if the Section 1 condition is not met	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	Must be on land also used for a service station.
Convenience restaurant	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 4.1 of this schedule.
Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met	Must meet the requirements of Clause 4.1 of this schedule.
Food and drink premises (other than Convenience restaurant and Take away food premises)	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Market	
Medical centre	
Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)	
Place of assembly (other than an Amusement parlour and Nightclub)	
Plant nursery	
Postal agency	
Primary produce sales	
Service station	<p>The site must adjoin a business zone or industrial zone, or abut on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</p> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>3000 square metres.</li> <li>3600 square metres if it abuts on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul>
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Take away food premises	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Timber production	Must meet the requirements of Clause 53.11.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

## Section 3 - Prohibited

Use
Amusement parlour
Domestic animal boarding
Aquaculture
Industry (other than Automated collection point and Car wash)
Intensive animal production
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Convenience shop, Food and drink premises, Market, Plant nursery, Postal agency, and Primary produce sales)
Saleyard
Transport terminal
Warehouse (other than Store)

## 2.0

22/07/2021  
C255morn

## Use of land

None specified.

## 3.0

22/07/2021  
C255morn

## Subdivision

A permit is required to subdivide land.

Each lot must be at least 20 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots. The number of lots must not be increased and all lots must have an area of at least 0.4 hectares.
- The average area of all lots is 20 hectares. All lots must have a minimum area of at least 0.4 hectares. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided under this provision. The agreement must be registered on title.
- The subdivision is to excise an existing dwelling or excise a lot for a dwelling. Only two lots may be created and each lot must be at least 0.4 hectare. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided under this provision. The agreement must be registered on title.

## MORNINGTON PENINSULA PLANNING SCHEME

If the land contains more than one dwelling at the Approval date, each dwelling may be excised under this provision.

- The subdivision is approved in conjunction with an integrated recreational development providing accommodation in the form of houses, group houses, flats or sites for the parking of caravans, campsites etc and associated recreational facilities such as golf courses, marina facilities, swimming pools, tennis courts, bowling greens, horseriding facilities, gardens and the like which occupy a major proportion of the total site area and are predominantly operated for the benefit of the occupants.

Land must not be subdivided for the purpose of an integrated recreational development until a development plan showing the proposed use and development of the whole site is approved by the responsible authority. The development plan may be subsequently amended to the satisfaction of the responsible authority.

A Section 173 Agreement may be required to ensure the development of recreational facilities or the provision of a bond prior to the subdivision of land, and to ensure the ongoing management of open space, landscaping, infrastructure and recreational facilities to the satisfaction of the Responsible authority.

#### Application requirements

An application to subdivide must be accompanied by a report which explains how the proposed subdivision:

- Promotes the purposes of this zone.
- Responds to the decision guidelines for this zone.

An application to subdivide must be referred to the referral authorities listed in Clause 66.

## 4.0

22/07/2021  
C255morn

### Buildings and works

A permit is not required to construct a building or construct or carry out works but only if one of the following applies:

- The development is in accordance with a Development Plan approved under Clause 3.0 of this Schedule or its predecessor
- The developments for a single dwelling on a lot located south of Pickings Rd and north of Nepean Highway, Safety Beach that meets all of the following requirements:
  - The lot must be less than 1000 square metres.
  - Any building must be setback not less than 7.5 metres from the front boundary, 3 metres from the rear boundary and 1.2 metres from any other boundary of the lot.
  - Any building must have a maximum building height of 4.5 metres or less.
  - Any front fence within three metres of the front boundary must be 1.2 metres or less in height.
  - The development must meet the requirements of Clause 54, to the extent that they are consistent with the above setback and height provisions as if Clause 54 applied to the Special Use Zone Schedule 4.

## 4.1

### Availability of services

A lot may only be used for one or more dwellings provided the following requirements are met:

- Access must be provided via an all-weather road to the satisfaction of the responsible authority

## MORNINGTON PENINSULA PLANNING SCHEME

- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environmental Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes to the satisfaction of the responsible authority.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

These requirements also apply to a Dependent person's unit.

## 5.0

## Decision guidelines

Before deciding on an application to use, subdivide land, construct a building or construct or carry out works, the responsible authority must consider as appropriate:

- The likely effect on the natural physical qualities and habitat value of the land.
- The protection and enhancement of the natural environment and the character of the area.
- The retention of vegetation and fauna habitat.
- The need to revegetate land, including, gullies, ridge lines, property boundaries, discharge areas, groundwater recharge areas and riparian buffers along waterways.
- The effect of the proposed development on the landscape of the locality.
- The existing and likely pressure of recreational use on reserves and foreshore areas in the locality and their continued maintenance in a condition appropriate to their function.
- The preservation of the recreational amenity of the locality.
- The intensity of development and utilisation proposed.
- The layout and design of access roads, parking spaces and pedestrian routes having regard to pedestrian and vehicular safety and accessibility.
- The impact of the use or development on the existing and surrounding rural uses.
- The location of any building or works with respect to the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The location and design of existing and proposed roads and their impact on the landscape and whether the use or development will cause significant traffic generation which will require additional traffic management programs to be initiated.
- The location, design and capacity of all existing and proposed infrastructure services including gas, water, drainage, telecommunication and sewerage facilities.
- The massing, scale, design and colour of buildings and their ancillary works.
- The nature, type, extent and management of the associated recreation facilities.
- The landscaping of the land.
- Any sign, entrance, gateway or marketing features proposed.
- Any other matters which the responsible authority considers being in the interest of the conservation and enhancement of the character of the area for its natural scenic beauty, scientific interest or cultural importance.

## 6.0

22/07/2021  
C255morn

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
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## SCHEDULE 7 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ7.

## FLINDERS CHRISTIAN COMMUNITY COLLEGE

## Purpose

To provide for the continued use and development of land for an education centre.

To provide for the use and development of the land in accordance with the background document Flinders Christian Community College Master Plan, (November 2009).

To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreation and tourism opportunities and mineral and stone resources.

To encourage use and development that is consistent with sustainable land management practices.

To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.

To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.

To protect and enhance the biodiversity of the area.

## 1.0

01/12/2023  
VC217

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 5 animals.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Child care centre	Must be used in conjunction with an Education centre on the land.  Must be generally in accordance with the Flinders Christian Community College Master Plan, November 2009.  The total number of persons enrolled at the education centre and child care centre at any time must not exceed 1,200.
Crop raising (other than Rice growing and Timber production)	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Education centre	Must be generally in accordance with the Flinders ChristianCommunityCollegeMaster Plan, November 2009.  The total number of persons enrolled at the education centre at any time must not exceed 1,200.
Grazing animal production	
Home based business	
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Railway	
Search for stone	Must not be costeaning or bulk sampling.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

## Section 2 - Permit required

Use	Condition
Agriculture (other than Domestic animal husbandry , Apiculture, Broiler farm, Cattle feedlot, Crop raising and Grazing animal production)	
Domestic animal boarding	
Broiler farm	Must meet the requirements of Clause 53.09.
Camping and caravan park	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot	Must meet the requirements of Clause 53.08.  The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Corrective institution	
Dependent person 's unit	Must be the only dependent person's unit on the lot.  Must meet the requirements of Clause 2 of this schedule

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Dwelling (other than Bed and breakfast)	<p>Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.</p> <p>Must meet the requirements of Clause 2 of this schedule.</p>
Freeway service centre	Must meet the requirements of Clause 53.05
Freezing and cool storage	The goods stored must be agricultural produce, or products used in agriculture.
Group accommodation	<p>Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.</p> <p>The number of dwellings must not exceed the number specified in a schedule to the zone or 40 dwellings, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least 40 hectares.</p>
Host farm	
Indoor recreation facility	
Leisure and recreation (other than Indoor recreation facility, Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)	
Major sports and recreation facility	Must be for outdoor leisure, recreation, or sport.
Manufacturing sales	Must be an incidental part of Rural industry.
Market	
Materials recycling	<p>Must be used in conjunction with Refuse disposal or Transfer station.</p> <p>Must not include the collecting, dismantling, storing, recycling or selling of used or scrap construction and demolition materials.</p>
Milk depot	
Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)	
Place of assembly (other than Amusement parlour, Carnival, Circus, Drive-in-theatre, and Nightclub)	
Plant nursery	
Primary produce sales	
Refuse disposal	



## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Research and development centre Research centre	Must be used in conjunction with Agriculture, Natural systems, Rural industry, or Winery.  The lot on which the use is conducted must be at least 40 hectares.
Residential building (other than Residential hotel)	Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.  Must be used to provide accommodation for persons away from their normal place of residence.  The lot on which the use is conducted must be at least 40 hectares.
Residential hotel	Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.  The number of bedrooms must not exceed the number specified in a schedule to the zone or 80 bedrooms, whichever is the lesser.  The lot on which the use is conducted must be at least 40 hectares.
Restaurant	Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.  The number of patrons present must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.  If used in conjunction with Function centre, the total number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.  The lot on which the use is conducted must be at least 40 hectares.
Rice growing Rural industry Rural store Solid fuel depot	
Timber production	Must meet the requirements of Clause 53.11.
Transfer station (other than Automated collection point)	Must not include the collecting, storing or processing of used or scrap construction and demolition materials.
Utility installation (other than Minor utility installation and Telecommunications facility) Vehicle store	
Any other use not in Section 1 or 3	

## MORNINGTON PENINSULA PLANNING SCHEME

## Section 3 - Prohibited

## Use

Accommodation (other than Camping and caravan park, Corrective institution, Dependent person's unit, Dwelling, Group accommodation, Host farm, and Residential building)

Amusement parlour

Child care centre – if the section 1 conditions are not met.

Cinema based entertainment facility

Display home

Drive-in-theatre

Education centre – if the section 1 conditions are not met.

Funeral parlour

Hospital

Industry (other than Materials recycling, Refuse disposal, Research and development centre, Rural industry and Transfer station)

Motor racing track

Nightclub

Office

Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales, and Restaurant)

Service station

Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot, and Vehicle store)

## 2.0

22/07/2021  
C255morn

## Use of land

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person's unit.

## 3.0

22/07/2021  
C255morn

## Subdivision

Each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased and the number of dwellings that the land could be used for does not increase. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures

## MORNINGTON PENINSULA PLANNING SCHEME

that the land may not be further subdivided so as to increase the number of lots. The agreement must be registered on title. The requirement to enter into an agreement only applies to a lot which could be further subdivided in accordance with this scheme.

- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

#### 4.0 Long term lease or licence for Accommodation

A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least 40 hectares.

#### 5.0 Buildings and works

22/07/2021  
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##### Permit requirement

The following requirements apply to construct a building or construct or carry out works:

- Any building or works associated with a Child care centre or Education centre must be generally in accordance with the Flinders Christian Community College Master Plan, November 2009.

##### Exemption from notice and review

An application to construct a building or construct or carry out works associated with a Child care centre or Education centre which is generally in accordance with the Flinders Christian Community College Master Plan, (November 2009) is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

#### 6.0 Decision guidelines

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

##### General issues

- The Municipal Planning Strategy and the Planning Policy Framework and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.
- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.

## MORNINGTON PENINSULA PLANNING SCHEME

## Rural issues

- The maintenance of agricultural production and the impact on the rural economy
- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.
- The protection and retention of land for future sustainable agricultural activities.

## Environmental issues

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area including the retention of vegetation and faunal habitat and the need to revegetate and including riparian buffers along waterways, gullies, ridgelines, property boundaries and salinised discharge and recharge area.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.
- The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

## Design and siting issues

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.

Notes: Refer to the Municipal Planning Strategy and the Planning Policy Framework for strategies and policies which may affect the use and development of land.  
Check whether an overlay also applies to the land.  
Other requirements may also apply. These can be found at Particular Provisions.

## 7.0

22/07/2021  
C255morn

## Signs

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 8 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ8.

## RANELAGH ESTATE OPEN SPACES

## Purpose

To recognise and protect the Ranelagh Estate's planned open spaces and pedestrian network.

To maintain the landscape values and amenity of the Ranelagh Estate having regard to the original areas of planned open space.

To maximise public accessibility to land within the zone. This does not apply to the land at 49, 51, 53, 55, 57, 59 and 63 Rosserdale Crescent and 2-4 Canadiar Bay Road, Mount Eliza.

1.0

01/12/2023  
VC217

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Informal outdoor recreation	
Place of worship	Must be in an existing building.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

## Section 2 - Permit required

Use	Condition
Market	
Education centre	If in a building, must be located at 3 Rosserdale Crescent, Mount Eliza.
Open sports ground	
Place of assembly (other than Amusement parlour, nightclub and place of worship) Restricted recreation facility	If in a building, must be located at 3 Rosserdale Crescent, Mount Eliza.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

## Section 3 – Prohibited

Use
Accommodation
Childcare centre

## MORNINGTON PENINSULA PLANNING SCHEME

## Use

Cinema based entertainment facility

Display home centre

Hospital

Industry (other than Automated collection point)

Leisure and recreation (other than Informal outdoor recreation, Open sports ground and Restricted recreation facility)

Office

Reservoir

Retail premises (other than Market)

Service station

Warehouse

## 2.0

05/12/2013  
C135(Part 2)

## Use of land

None specified.

## 3.0

05/12/2013  
C135(Part 2)

## Subdivision

Subdivision of the land is prohibited except if one of the following requirements is met:

- The subdivision realigns the boundary between existing lots and no new lot or additional subdivision potential is created.
- The subdivision excises land for a road, utility installation or other public purpose.

## 4.0

05/12/2013  
C135(Part 2)

## Buildings and works

A permit is required to construct a fence. This does not apply to a fence that is along a boundary of this zone except if it is a fence along a road frontage.

## 5.0

22/07/2021  
C255(morn)

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 4.

## 6.0

05/12/2013  
C135(Part 2)

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The effect on the Ranelagh Estate's heritage value.
- Whether any proposal would maintain common opportunities for recreation use.
- The existing and likely pressure of recreational use on reserves and foreshore areas in the locality and the effect on natural system values.
- The preservation of the recreational amenity of the locality.
- The interface with residential areas.
- Whether there would be a loss of any open space access or functional use of open space.
- The effect any subdivision would have on the potential of the land to accommodate existing and potential future uses in accordance with the purpose of this zone.

## MORNINGTON PENINSULA PLANNING SCHEME

- The protection and enhancement of the natural environment and the character of the area including the:
  - Location of any building or works with respect to the natural environment roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
  - The effect of any proposed development on the landscape of the locality.
  - The likely effect of any proposed use or development on the natural physical qualities and habitat value of the land.
  - The intensity of development and utilisation proposed.
  - The massing, scale, design and colour of any building or works.
- For any internal fence within the zone, whether it would restrict the visual appreciation of the original open space precinct recognised in this zone, regardless of the ownership of the land.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 9 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ9.

## YARINGA BOAT HARBOUR

## Purpose

To provide for an integrated mix of recreation boating, tourist accommodation and related activities north of Lumeah Road, with direct boating access to Western Port.

To prioritise boating and boating-related activities in a safe, functional and visually attractive harbour precinct.

To provide for major boat storage facilities and marine-related industry south of Lumeah Road.

To ensure that the use and development of the land is compatible with the environmentally sensitive coastal area.

To ensure that land is not used or developed for any purpose that would compromise the long-term protection and use of land for expansion of port related uses in adjoining land designated for that purpose, including curfew-free port activities.

To ensure that the use of land and the siting and design of any development respect the existing environmental features, amenity and landscape character of the area.

To protect the environmental values of the waters, coastal and intertidal areas of Western Port and adjoining land.

1.0  
01/12/2023  
VC217

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Domestic animal husbandry (other than domestic animal boarding)	Must be 2 animals or less.
Bed and breakfast	Must be in an existing dwelling and no more than 6 persons may be accommodated away from their normal place of residence; and,  at least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Crop raising (other than Timber production)	
Grazing animal production	
Home based business	
Informal outdoor recreation	
Place of worship	Must be outdoors or in an existing building.



## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Primary produce sales	Must not be within 100 metres of a dwelling in separate ownership; and, the area used for the display and sale of primary produce must not exceed 50 square metres.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
Accommodation (other than Dwelling and Dependent person's unit)	<p>Must be in association with the use of the Yaringa Boat Harbour.</p> <p>Must only be used to accommodate persons away from their normal place of residence.</p> <p>Must be operated in accordance with an approved Accommodation Management Plan as required by 2.0 of this Schedule.</p> <p>Must be on land located north of Lumeah Road.</p>
Agriculture (other than Domestic animal husbandry, Apiculture, Crop raising and Grazing animal production).	
Art and craft centre	Must be in conjunction with an approved accommodation use and have a leasable floor area of 240 square metres or less.
Boat and caravan storage	
Child care centre	
Dependent person's unit	Must be the only dependent person's unit on the lot.
Display home centre	Must be for the marketing of accommodation approved on the land.
Dwelling (including Bed and breakfast if the Section 1 condition is not met)	<p>All of the following conditions must be met:</p> <ul style="list-style-type: none"> <li>Must be located north of Lumeah Road.</li> <li>The total number of dwellings within the Special Use Zone Schedule 9 must be no more than 1, not including any dwelling existing before 1 January 2014.</li> <li>Must be for accommodating a site manager for the Yaringa Boat Harbour.</li> </ul>
Education centre (other than Primary School and Secondary School)	
Food and drink premises	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Industry (other than Automated collection point and Rural industry)	Must be dependent on or gain significant economic advantage from proximity to deep water port facilities, be directly associated with such a use or be a marine service industry.
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Manufacturing sales	
Market	
Motor vehicle, boat, or caravan sales	Must be only for boats and their accessories.
Office	Must have a leasable floor area of 240 square metres or less and be in association with an approved Recreational boat facility or an approved accommodation use within the zone.
Plant nursery	
Postal agency	
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, and Place of worship)	Must be in conjunction with an approved Recreational boat facility or an approved accommodation use within the zone.
Recreational boat facility	
Rural store	
Service Station	Must be for the fuelling of boats only.
Shop	<p>All of the following conditions must be met:</p> <ul style="list-style-type: none"> <li>Must have a leasable floor area of 240 square metres or less and be limited to sales of boating accessories and convenience food items.</li> <li>Must be in conjunction with an approved accommodation use or a marine service industry.</li> <li>The total leasable floor area for shops within the Special Use Zone Schedule 9 must be 500 square metres or less.</li> </ul>
Timber production	Must meet the requirements of Clause 53.11.
Transport terminal	Must be dependent on or gain significant economic advantage from proximity to a Recreational boat facility or accommodation for persons living away from their normal place of residence.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Vehicle store	
Any other use not in Section 1 or 3	

## MORNINGTON PENINSULA PLANNING SCHEME

## Section 3 – Prohibited

## Use

Accommodation (other than Dwelling and Dependent person's unit) - if the Section 2 conditions are not met

Amusement parlour

Camping and caravan park

Cinema based entertainment facility

Dwelling – if the Section 2 requirements are not met

Hospital

Motor racing track

Nightclub

Primary school

Residential Aged Care facility

Retirement village

Retail premises (other than Food and drink premises, Manufacturing sales, Market, Motor vehicle, boat or caravan sales, plant nursery, postal agency, primary produce sales and shop)

Secondary school

Winery

## 2.0

22/07/2021  
C255morn

## Use of land

## Application requirements

An application to use land for Accommodation (other than Dwelling and Dependent person's unit) must be accompanied by an Accommodation Management Plan prepared to the satisfaction of the responsible authority which provides for the following:

- all separately keyed accommodation units are to be centrally managed and made available to provide short term holiday rental accommodation for persons other than the owner or long term lessees of the accommodation unit or their family member or associates for at least 183 nights of each calendar year; and,
- boat storage and associated boat launching and retrieval from Western Port, at the rate of at least one boat storage area for each separately keyed unit of accommodation.

## Permit Requirements

Any planning permit granted to allow the use of land, which is considered by the Responsible Authority to require the construction of road upgrades in Lumeah Road and Whitney's Road between its intersection with Lumeah Road and its intersection with Tyabb-Tooradin Road/Bungower Road, must include a condition that has the effect of requiring the permit holder to meet all costs associated with such upgrades in accordance with plans to the satisfaction of the Responsible Authority.

## Decision Guidelines

The following decision guidelines apply to an application for a permit to use land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

## MORNINGTON PENINSULA PLANNING SCHEME

- The effect that the use may have on the future use and development of the land and adjoining areas for tourism and marine recreation related purposes.
- The effect that the use may have on the amenity and future use of adjoining properties.
- The effect that the use may have on the waters and intertidal areas of Western Port and the environmental values of adjoining land and the need for appropriate environmental assessment studies.
- The compatibility of the proposed use with service industries and tourism activities operating on adjacent or nearby land.
- The availability and connection to services including the need to coordinate the provision of utility services in an orderly manner that has regard to servicing requirements of other properties in the area.
- The adequacy of provision for parking and site access and the need for a traffic impact assessment.
- Whether the proposed use is appropriate to the site by virtue of the proximity to the current port or a potential expanded port including transport connections to the port.
- Whether the proposed use might impede the long term development and operation of the port.
- Whether the proposed use has the potential to expose people unnecessarily to any off-site impacts associated with the 24-hour, 7 day a week operation of the port.
- Whether the siting and design of the proposed use includes appropriate measures to ensure that the amenity of the proposed use will not be impacted by off-site impacts associated with the 24-hour, 7 day a week operation of the port including transport (road and rail) connections.
- Whether the proposal is compatible with the present and future operation of the commercial trading port as detailed in a port development strategy approved under the Port Services Act 1995.
- Whether the proposal will result in an increase in the number of people affected by noise or road or rail traffic arising from curfew-free port operations.
- Whether the proposal will result in an increase in the number of people affected by exposure to risk to health or life arising from port operations.

## 3.0

22/07/2021  
C255morn

## Subdivision

## Permit requirement

A permit to subdivide land must be for one of the following purposes:

- To enable the subdivision of land in association with a marina with an inland harbour basin and associated accommodation on land north of Lumeah Road but only if all of the following requirements are met:
  - The inland harbour and tidal lock system for the marina have been completed to the satisfaction of the responsible authority
  - Any dwellings on the land constructed after 1 January 2014 are contained within a single lot.
  - Facilities servicing the temporary accommodation units including reception, food, drink and the like communal activities required for non-dwelling accommodation on the land are contained within a single lot.

## MORNINGTON PENINSULA PLANNING SCHEME

- Each lot to be created has an entitlement to common land including the whole or part of the inland harbour basin; and,
- The owners of each lot created have liability through an Owners Corporation for the repair, maintenance and management of the marina's harbour basin, channel, lock system and bascule bridge.
- To facilitate the subdivision of land on the south side of Lumeah Road for industrial purposes (including warehousing associated with industry).
- To create one lot for a dwelling existing on 1 January 2014 where there has been no previous subdivision under this provision and such lot has no entitlement to common land including any part of an inland harbour basin.

## Application requirements

An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:

- The common area to be owned by the Owners Corporation, including any streets, car parks, open space in land harbour area or other communal facility.
- Lots participating in the Owners Corporation.
- The proposed management arrangements including repair and maintenance standards for common property and facilities.
- Owners Corporation rules for the management of the common land and facilities.

## Decision Guidelines

The following decision guidelines apply to an application for a permit to subdivide a land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The availability of services.
- The location, provision and maintenance of public and private open space areas and other public facilities.
- The stages if any, by which the developments proposed to proceed.
- Whether the subdivision promotes the purpose of the zone.
- Whether the form and structure of subdivision facilitates the orderly and economic development of the land.
- Whether the subdivision is consistent with any relevant Accommodation Management Plan.

## 4.0

22/07/2021  
C255morrn

## Buildings and works

A permit is required to construct a building or construct or carry out works.

## Application requirements

An application to develop land must be accompanied by the following plans, as appropriate all prepared to the satisfaction of the responsible authority:

- A Site context analysis and design response plan
- Site layout plan

In the case of an application for a Recreational boat facility which includes an inland harbour the application must be accompanied by the following reports, prepared by suitably qualified professionals to the satisfaction of the responsible authority:

- Hydrology assessment.

## MORNINGTON PENINSULA PLANNING SCHEME

- Coastal acid sulfate soil assessment in accordance with the Victorian Coastal Acid Sulfate Soils Strategy 2008 and the Victorian Best Practice Guidelines for the Identification and Assessment of Coastal Acid Sulfate Soils 2009.
- Coastal hazard vulnerability assessment.
- Flora and fauna assessment.
- Drainage and stormwater management strategy
- Emergency access plan.
- Environmental management plan.
- Dredging management plan.

## Decision Guidelines

The following decision guidelines apply to an application for a permit to construct a building or carry out works under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The need for an environmental management plan.
- Whether an environmentally sustainable development approach including the use of any relevant assessment tool and related targets has been proposed and, if so, the mechanism for its implementation.
- The staging of any development and the need to ensure that the objectives of the zone are achieved with orderly development and minimal off-site effects and inter-use conflict.
- Any natural and cultural values on or near the land.
- The effect of any proposed removal of native vegetation on the biodiversity values of the land and its role in providing habitat and habitat corridors for flora and fauna.
- The effect of the proposed development on the future development of the land and adjoining area for tourism and marine recreation related uses.
- The location, extent and access to loading, storage and service areas for utility installations, fire suppression and waste management services.
- The adequacy of existing roads and infrastructure to support the proposed development and measures to fund any necessary upgrades.
- The built form and visual impact of the proposed development including signage.
- Whether the development has the potential to impede on the curfew free activities, including a potential expansion at nearby port environs.
- Whether the siting and design of the proposed development includes appropriate measures to ensure that the amenity of the proposed development will not be impacted by off-site impacts associated with the 24-hour, 7 day a week operation of the port including transport (road and rail) connections.

The effect of the potential impacts of climate change on the land and in particular, the combined impacts of sea level rise, storm surge, local coastal processes, topography and geology

## 5.0

22/07/2021  
C255morn

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.

## MORNINGTON PENINSULA PLANNING SCHEME

## 37.02

31/07/2018  
VC148

## COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as CDZ with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

## 37.02-1

19/01/2006  
VC37

## Table of uses

## Section 1 - Permit not required

Use	Condition
Any use in Section 1 of the schedule to this zone	Must comply with any condition in Section 1 of the schedule to this zone.

## Section 2 - Permit required

Use	Condition
Any use in Section 2 of the schedule to this zone	Must comply with any condition in Section 2 of the schedule to this zone.
Any other use not in Section 1 or 3 of the schedule to this zone	

## Section 3 - Prohibited

Use
Any use in Section 3 of the schedule to this zone

## 37.02-2

31/07/2018  
VC148

## Use of land

Any requirement in the schedule to this zone must be met.

## Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

## Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

## MORNINGTON PENINSULA PLANNING SCHEME

## 37.02-3

15/03/2024  
VC256

## Subdivision

## Permit requirement

A permit is required to subdivide land.

An application to subdivide land for residential development other than an application to subdivide land into lots each containing an existing dwelling or car parking space must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

Any requirement in the schedule to this zone must be met.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:</li> </ul>	Clause 59.02



## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
----------------------	--

- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
- Has started lawfully.
- The subdivision does not create a vacant lot.

## Application requirements

An application to subdivide and must be accompanied by any information specified in the schedule to this zone.

## Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives and standards of Clause 56.
- Any guidelines in the schedule to this zone.

37.02-4

20/12/2021  
VC174

## Buildings and works

## Permit requirement

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
----------------------	--

Construct a building or construct or carry out works with an estimated cost of up to \$500,000 and the land is not:

- Within 30 metres of land (not a road) which is in a residential zone.
- Used for a purpose listed in the table to Clause 53.10.

## Transitional provisions

Clause 58 does not apply to:

## MORNINGTON PENINSULA PLANNING SCHEME

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clause 58 of this scheme as in force immediately before the approval date of Amendment VC174, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

## Application requirements

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

An application to construct or extend an apartment development or to construct or extend a dwelling in or forming part of an apartment development must be accompanied by an urban context report and design responses as required in Clause 58.01.

## Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a),(b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if it is generally consistent with the comprehensive development plan.

The schedule to this zone may specify that other applications are also exempt from the notice requirements of section 52(1)(a),(b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- For an apartment development the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

37.02-5

31/07/2018  
VC148

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 1 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as CDZ1.

## MOONAH LINKS COMPREHENSIVE DEVELOPMENT PLAN

## Land

Southeast corner of Browns Road and Devonport Drive, Rye, being Lot 2, PS337058N, Lot 1, PS68481 and Crown Allotment 32, Section A, Parish of Wannaeue.

## Purpose

To establish an integrated recreational, tourism and resort use and development focused on high quality golf courses generally in accordance with the Moonah Links Comprehensive Development Plan.

To provide for golf facilities and associated tourism, accommodation and resort development.

To provide for golf administration, major golf events, golf education and associated recreation facilities.

To ensure developments compatible with the landscape character of the area.

To ensure use and development has regard to natural values of the land or natural processes.

To ensure use and development has regard to the amenity of adjacent properties and the surrounding area.

## 1.0

01/12/2023  
VC217

## Table of uses

## Section 1 - Permit not required

Use	Condition
Agriculture (other than Animal keeping, Animal training, Apiculture, Aquaculture, and Intensive animal husbandry)	
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Car park	Must be generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).
Convenience shop	Must be associated with leisure and recreation or accommodation facilities of the Moonah Links Development.
Dwelling (other than Bed and breakfast)	Must be generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).  Total number of dwellings must not exceed 250.
Education centre	Must be associated with the Golf Academy of the Moonah Links development.  Must be generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Food and drink premises	Must be associated with leisure and recreation or accommodation facilities of the Moonah Links Development.
Group accommodation	Must be associated with the Golf Academy of the Moonah Links development.  Must be generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).
Home based business	
Leisure and recreation (other than Motor racing track, Paintball games facility , and Race course)	Must be generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Office	Must be associated with leisure and recreation or accommodation facilities of the Moonah Links Development.
Place of assembly (other than Carnival, Cinema, Circus and Drive-in theatre)	Must be associated with leisure and recreation or accommodation facilities of the Moonah Links Development.
Primary produce sales	
Residential hotel	Must be generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).  Must not include more than 280 accommodation units.
Search for stone	Must not be costeaning or bulk sampling.
Winery	Must be an existing winery or generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

## Section 2 - Permit required

Use	Condition
Accommodation (other than Corrective institution, Dwelling, Group accommodation, and Residential hotel)	
Domestic animal husbandry (other than Domestic animal boarding)	
Animal training	
Aquaculture	
Bed and breakfast	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Cinema	
Drive-in theatre	
Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)	
Rural industry (other than Abattoir)	
Service industry (other than Panel beating)	
Store	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 and 3	

## Section 3 - Prohibited

Use
Abattoir
Animal boarding
Corrective institution
Extractive industry
Industry (other than Automated collection point, Rural industry and Service industry)
Intensive animal husbandry
Motor racing track
Paintball games facility
Panel beating
Race course
Retail premises (other than Convenience shop, Food and drink premises, and Primary produce sales)
Saleyard
Warehouse (other than Store)

## 2.0

19/01/2006  
VC37

## Use of land

## Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill, solar access and glare.
- Maintenance of areas not required for immediate use.

## MORNINGTON PENINSULA PLANNING SCHEME

## Exemption from notice and appeal

An application to use land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it is generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).

## Decision guidelines

Before deciding on an application to use land, the responsible authority must consider as appropriate:

- The contents and intent of the Moonah Links Comprehensive Development Plan (May 1999).
- Any comments of the Department of Natural Resources and Environment.
- The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services including sewerage, water, drainage, electricity, gas and telecommunications.

## 3.0

19/01/2006  
VC37

## Subdivision

## Staging

Subdivision of the resort lots may occur in stages.

Until the West Course (championship 18-hole golf course) has been substantially constructed, a Statement of Compliance must not be issued which will result in the total of resort lots subdivided exceeding 90.

## Application requirements

- An application to subdivide land must be accompanied by the following information, as appropriate:
  - A plan drawn to scale which shows:
    - The boundaries and dimensions of the site.
    - Adjoining roads.
    - Relevant ground levels.
    - Areas of subdivision, including any areas of common property
- An Environmental Management Plan for the proposed subdivision or stage addressing potential impacts on the site and on adjoining areas in terms of:
  - Vegetation and habitat.
  - Groundwater and drainage.
  - Soil disturbance, erosion and sedimentation.
  - Public safety
  - Any sites of archaeological significance.
- Details of compliance with the design guidelines prepared in accordance with the Moonah Links Comprehensive Development Plan (May 1999) affecting the land.

## MORNINGTON PENINSULA PLANNING SCHEME

## Exemption from notice and appeal

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it is generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).

## Decision guidelines

Before deciding on an application to subdivide land, the responsible authority must consider as appropriate:

- The contents and intent of the Moonah Links Comprehensive Development Plan (May 1999).
- The design guidelines prepared in accordance with the Moonah Links Comprehensive Development Plan (May 1999) affecting the land.
- Any comments of the Department of Natural Resources and Environment.
- The Environmental Management Plans submitted in accordance with the Application Requirements of this Clause.
- The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services including sewerage, water, drainage, electricity, gas and telecommunications.

## 4.0

19/01/2006  
VC37

## Buildings and works

## Reticulated sewerage

Any development for a use, which will produce wastewater or effluent, must be provided with reticulated sewerage to the satisfaction of the responsible authority.

Construction and extension of single dwellings on lots of at least 300 square metres

A permit is not required to construct or extend a dwelling on a lot of at least 300 square metres, provided the development does not exceed 8 metres in overall height from natural ground level.

## Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed uses.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Scaled elevation drawings to identify the colour and materials of all buildings and works.

## MORNINGTON PENINSULA PLANNING SCHEME

- An Environmental Management Plan that addresses the impacts of the buildings and works on the site and on adjoining areas in terms of:
  - Vegetation and habitat.
  - Groundwater and drainage.
  - Soil disturbance, erosion and sedimentation.
  - Public safety
  - Any sites of archaeological significance.
- Details of all driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering, maintaining and monitoring the landscape area.
- Details of compliance with the design guidelines prepared in accordance with the Moonah Links Comprehensive Development Plan (May 1999) affecting the land.

## Decision guidelines

Before deciding on an application to construct a building or for a constructor to carry out works, the responsible authority must consider, as appropriate:

- The contents and intent of the Moonah Links Comprehensive Development Plan (May 1999).
- The design guidelines prepared in accordance with the Moonah Links Comprehensive Development Plan (May 1999) affecting the land.
- Any comments of the Department of Natural Resources and Environment.
- The Environmental Management Plans submitted in accordance with the Application Requirements of this Clause.
- The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services including sewerage (to buildings requiring wastewater disposal), water, drainage, electricity, gas and telecommunications.

## 5.0

22/07/2021  
C255morn

## Signs

Category 1 of Clause 52.05 applies to the Hotel/Accommodation (Option 1) precinct and the Club house (& Hotel/Accommodation Option 2) precinct in the Moonah Links Comprehensive Development Plan (May 1999).

Category 3 of Clause 52.05 applies to all other areas in the Moonah Links Comprehensive Development Plan (May 1999).



## MORNINGTON PENINSULA PLANNING SCHEME

37.09

31/07/2018  
VC148

## PORT ZONE

Shown on the planning scheme maps as PZ.

## Purpose

To implement the Municipal Planning Strategy Planning Policy Framework and Port Development Strategies.

To recognise the significant transport, logistics and prime maritime gateway roles of Victoria's commercial trading ports in supporting Victoria's economy

To provide for shipping, road and railway access and the development of each of Victoria's commercial trading ports as key areas of the State for the interchange, storage and distribution of goods.

To provide for uses which derive direct benefit from co-establishing with a commercial trading port.

To provide for the ongoing use and development of Victoria's commercial trading ports that support the relevant port development strategy prepared pursuant to the Port Management Act 1995

37.09-1

01/12/2023  
VC217

## Table of uses

## Section 1 - Permit not required

Use	Condition
Automated collection point	<p>Must meet the requirements of Clause 52.13-3 and 52.13-5.</p> <p>The gross floor area of all buildings must not exceed 50 square metres.</p>
Industry (other than Materials recycling, Refuse disposal, Transfer station, Rural industry)	<p>Must be located on land and associated with port operations.</p> <p>Must not be located on Station Pier, Port Melbourne.</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> <li>Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul>
Informal outdoor recreation	
Railway	
Road	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Shipping container storage	<p>Must be located on land and associated with port operations.</p> <p>Must not be for a purpose shown listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for purpose listed in table to Clause 53.10</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>▪ Require a licence under Dangerous Goods (HCDG) Regulations 2016.</li> </ul>
Tramway	
Transport terminal (other than Heliport and Wharf)	<p>Must be located on land and associated with port operations.</p> <p>The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital or an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.</p>
Warehouse (other than a Commercial display area)	<p>Must be located on land and associated with port operations.</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Wharf	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

## Section 2 - Permit required

Use	Condition
Employment training centre	Must be located on land and associated with port operations.
Heliport	
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility , Motor racing track and Outdoor recreation facility)	
Office	Must be located on land and associated with port operations.
Recreational boat facility	
Transfer station (other than Automated collection point)	
Utility installation (other than Minor utility installation)	
Any other use not in Section 1 or 3	

## Section 3 - Prohibited

Use
Accommodation
Child care centre
Hospital
Major sports and recreation facility
Market
Motor racing track
Outdoor recreation facility
Primary school
Secondary school
Shop (other than Convenience shop and Sex services premises)

37.09-2

04/05/2022  
VC210

## Use of land

## Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- An assessment against the relevant port development strategy particularly the port precincts, prepared pursuant to the Port Management Act 1995

## MORNINGTON PENINSULA PLANNING SCHEME

- The nature and purpose of the use and the types of processes to be utilised, including the type and quantity of goods to be stored, processed or produced.
- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulation 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulation 2012 is exceeded.
- The likely effects on adjoining land, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water
  - Traffic volumes.
  - Light spill or glare.
- A Site Environmental Management Plan for the management of environmental issues associated with the operation of the use.

## Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a),(b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

This exemption does not apply where any of the land required for the use is within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- Whether the proposed use is consistent with the relevant port development strategy particularly the port precincts prepared pursuant to the Port Management Act 1995
- The effect that the use may have on land in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or education centre, having regard to any comments or directions of the referral authorities.
- The effect on environmental values of adjoining land and port waters.
- The effect that the use may have on nearby existing or proposed uses for or associated with the port.
- The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.
- The interface with non-port areas.
- The drainage of the land.
- The availability of and connection to services.
- Traffic implications on the surrounding road network.

## MORNINGTON PENINSULA PLANNING SCHEME

## 37.09-3

31/07/2018  
VC148

## Subdivision

## Permit requirement

A permit is required to subdivide land.

## Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

This exemption does not apply where any of the land required for subdivision is within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposed subdivision is consistent with the relevant port development strategy particularly the port precincts prepared pursuant to the Port Management Act 1995
- The ability of the land as subdivided to accommodate future port-related uses.
- The ability of the land to be combined with other lots for use as a port-related use.
- The extent of any existing or proposedclamation works.
- The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.
- Whether the frontage is adequate to provide for industrial traffic requirements.
- Any easement or rights of way which may be required to convey public or private goods or services to, or across the land.

## 37.09-4

01/07/2021  
VC203

## Buildings and works

## Permit requirement

A permit is required to construct a building or construct or carry out works. This does not apply to a building or works which:

- Provide for a Wharf or Shipping container storage and other storage and handling facilities (other than tanks for bulk liquid storage), navigation aid beacons and aids, terminals and associated facilities.
- Rearrange, alter, renew or maintain a plant if the area or height of the plant is not increased.
- Comply with a direction or a licence under the Dangerous Goods Act 1985 or a Development Licence, Operating Licence, or any notice under the Environment Protection Act 2017.
- Provide for a railway, road or tramway
- Provide for informal outdoor recreation.
- Alter electrical or gas services or telephondines.
- Alter plumbing services which do not affect the drainage of other land.
- Provide for a rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building's setback from a street.

## MORNINGTON PENINSULA PLANNING SCHEME

- The rainwater tank is no higher than the existing building on the site.
- The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway

## Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant existing and finished ground levels, including the areas of any cut and fill.
  - The layout of existing and proposed buildings and works.
  - The location of the proposed use of all existing and proposed buildings.
  - The provision of on-site vehicle parking.
  - Loading and unloading areas.
  - Internal vehicle movements.
  - Site entrance and exit points.
  - External storage and waste treatment areas.
  - Features above or below water
- Elevation drawings to scale which show the colour and material of the proposed buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- Where development involves reclamation, information concerning the type and amount of material to be used to carry the reclamation works and the use to which the reclaimed land can be put.
- Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.
- A Site Environmental Management Plan for the management of environmental issues associated with the construction of the development or carrying out of work.

## Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a),(b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

This exemption does not apply to an application for buildings and works that are within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- Whether the proposed developments consistent the relevant port development strategy particularly the port precincts prepared pursuant to the Port Management Act 1995

## MORNINGTON PENINSULA PLANNING SCHEME

- The effect on environmental values of adjoining land and port waters.
- Built form.
- Interface with non-port areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- Traffic implications on the surrounding road network.

37.09-5

31/07/2018  
VC148

Signs

Sign requirements are at Clause 52.05. This zone is in Category 2.

MORNINGTON PENINSULA PLANNING SCHEME

40

19/01/2006  
VC37

OVERLAYS

This section sets out the overlays which apply in this scheme.



MORNINGTON PENINSULA PLANNING SCHEME

41

31/07/2018  
VC148

[NO CONTENT]

MORNINGTON PENINSULA PLANNING SCHEME

42

19/01/2006  
VC37

ENVIRONMENTAL AND LANDSCAPE OVERLAYS

## MORNINGTON PENINSULA PLANNING SCHEME

## 42.01

31/07/2018  
VC148

## ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas where the development of land may be affected by environmental constraints.

To ensure that developments compatible with identified environmental values.

## 42.01-1

31/07/2018  
VC148

## Environmental significance and objectives

A schedule to this overlay must contain:

- A statement of environmental significance.
- The environmental objectives to be achieved.

## 42.01-2

14/12/2023  
VC253

## Permit requirement

A permit is required to:

- Construct a building or for a constructor to carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay
- Construct bicycle pathways and trails.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Remove, destroy or lop any vegetation including dead vegetation. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - If the table to Clause 42.01-3 specifically states that a permit is not required.
  - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where:	Clause 59.02

## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
<ul style="list-style-type: none"> <li>The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	
Subdivide land into 2 lots if:	Clause 59.02
<ul style="list-style-type: none"> <li>The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> <li>Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>Has started lawfully.</li> </ul> </li> <li>The subdivision does not create a vacant lot.</li> </ul>	
Construct a fence.	Clause 59.05
Remove, destroy or lop one tree provided:	Clause 59.06
<ul style="list-style-type: none"> <li>A permit has not been granted for a VicSmart application to remove, destroy or lop a tree on the same land within the last 12 months.</li> <li>There is no other current VicSmart application to remove, destroy or lop a tree on the same land.</li> </ul>	
Construct a building or construct or carry out works for:	Clause 59.05
<ul style="list-style-type: none"> <li>A carport, garage, pergola, verandah, deck, shed or similar structure.</li> <li>A rainwater tank.</li> </ul> <p>The buildings and works must be associated with a dwelling or a small second dwelling.</p>	

42.01-3

16/08/2024  
VC262

## Table of exemptions

The requirement to obtain a permit does not apply to:	
Emergency works	<p>Vegetation that is to be removed, destroyed or lopped:</p> <ul style="list-style-type: none"> <li>in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or</li> <li>where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</li> </ul>
Extractive industry	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.</p>
Fire protection	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</p> <ul style="list-style-type: none"> <li>fire fighting;</li> <li>planned burning;</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

	<ul style="list-style-type: none"> <li>making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</li> <li>making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</li> <li>is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</li> <li>in accordance with a fire prevention notice issued under either:               <ul style="list-style-type: none"> <li>section 87 of the Fire Rescue Victoria Act 1958;</li> <li>section 65 of the Forests Act 1958; or</li> <li>section 41 of the Country Fire Authority Act 1958.</li> </ul> </li> <li>keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;</li> <li>minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.</li> </ul> <p>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</p>
Geothermal energy exploration and extraction	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005.
Greenhouse gas sequestration and exploration	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008.
Land management or directions notice	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994.
Land use conditions	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994.
Mineral exploration and mining	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the Mineral Resources (Sustainable Development) Act 1990:</p> <ul style="list-style-type: none"> <li>that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</li> <li>in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</li> </ul> <p>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</p>
Noxious weeds	Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder ( <i>Cuscuta australis</i> ).
Pest animal burrows	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows.</p> <p>In the case of native vegetation the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped.</p>

## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:	
Planted vegetation	Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.
Railways	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).
Regrowth	<p>Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:</p> <ul style="list-style-type: none"> <li>▪ bracken (<i>Pteridium esculentum</i>); or</li> <li>▪ within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.</li> </ul> <p>This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</p>
Road safety	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).
Stone exploration	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</p> <p>The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> <li>▪ 1 hectare of vegetation which does not include a tree.</li> <li>▪ 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</li> <li>▪ 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</li> </ul> <p>This exemption does not apply to costeaning and bulk sampling activities.</p>
Surveying	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.
Traditional owners	<p>Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</p> <ul style="list-style-type: none"> <li>▪ a natural resources agreement under Part 6 of the Traditional Owners Settlement Act 2010; or</li> <li>▪ an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional owners Settlement Amendment Act in 2016 (1 May 2017).</li> </ul>
Tram stops	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.
Transport land	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure.

42.01-4

31/07/2018  
VC148

## Application requirements

An application must be accompanied by any information specified in a schedule to this overlay

## MORNINGTON PENINSULA PLANNING SCHEME

42.01-5

31/07/2018  
VC148

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and Planning Policy Framework.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property
- Any other matters specified in a schedule to this overlay

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO1.

## MOOROODUC PLAIN AND BALCOMBE VALLEY

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms the major catchment of Balcombe Creek. It is also an area of strategic landscape importance, defining part of the rural edge to the townships of Mt Eliza, Mornington and Baxter and including the contrasting landforms of the Balcombe Valley and Mt Eliza escarpment.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works which is responsive to the open rural landscape character and vistas of the Moorooduc Plain and the contrasting visual character of the Balcombe Valley and Mt Eliza escarpment and that maintains the scenic value of roads and recreation routes.

To protect the landscape values of the area, especially west of Moorooduc Road or north of Baxter Tooradin Road, Moorooduc.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17. A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.



MORNINGTON PENINSULA PLANNING SCHEME

4.0                    Application requirements  
22/07/2021  
C255morn                    Nonespecified.

5.0                    Decision guidelines  
22/07/2021  
C255morn                    Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO2

## NORTHERN MOSAIC

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms part of the catchment of Watsons Creek and other waterways discharging to Watsons Inlet and the northern segment of Western Port Bay. It is an area of strategic landscape importance, defining part of the rural edge to the township of Baxter and the interface between the fringe of metropolitan Melbourne and the Mornington Peninsula.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To promote siting and design of buildings and works that is responsive to the varied rural landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To protect the landscape values of the area, specifically the area between Golf Links Road and Baxter Tooradin Road, west of Moorooduc Road or north of Baxter Tooradin Road.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 2 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

MORNINGTON PENINSULA PLANNING SCHEME

4.0                    Application requirements  
22/07/2021  
C255morn                    Nonespecified.

5.0                    Decision guidelines  
22/07/2021  
C255morn                    Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 3 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO3

## CENTRAL PENINSULA

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms part of the catchment of Balcombe Creek and the waterway that discharges to Dromana Bay. It also contains the Devil Bend reservoir and the historic Briars property. It is an area of strategic landscape importance with an open undulating terrain, and includes the prominent eastern slopes of Mt Martha and the gateway area to the Kangerong basin.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the open rural landscape character and vistas of the area and that maintains the scenic value of roads and recreation routes.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune areas as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

MORNINGTON PENINSULA PLANNING SCHEME

4.0                    Application requirements  
22/07/2021  
C255morn                    Nonespecified.

5.0                    Decision guidelines  
22/07/2021  
C255morn                    Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO4.

## EASTERN PENINSULA

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms part of the catchment of the Warrengine Creek, and other streams and waterways discharging to Westernport Bay. It is also an area of strategic landscape importance, with an open undulating terrain that defines part of the rural edge to the townships of Somerville, Tyabb, Hastings, Bittern, Crib Point and Balnarring.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems of biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the undulating rural landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune areas as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

MORNINGTON PENINSULA PLANNING SCHEME

4.0                    Application requirements  
22/07/2021  
C255morn                    Nonespecified.

5.0                    Decision guidelines  
22/07/2021  
C255morn                    Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 5 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO5.

## WESTERNPORT HINTERLAND

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms part of the catchment of streams and waterways that discharge into Westernport Bay and includes coastal areas of State significance. It is also an area of strategic landscape importance, with a varied rural and coastal landscape that defines part of the rural edge to the townships of Tyabb, Hastings and Bittern.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems of biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the varied rural and coastal landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone and Farming Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune areas defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.



MORNINGTON PENINSULA PLANNING SCHEME

4.0  
22/07/2021  
C255morn

Application requirements  
Nonespecified.

5.0  
22/07/2021  
C255morn

Decision guidelines  
Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 6 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO6

## KANGERON BASIN

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms the main catchment of streams and waterways that discharge to Dromana Bay, and features a high water table and erosion prone soils. It is also an area of strategic landscape importance, comprising an open alluvial plain, in contrast to the surrounding basin formed by the hills of Mt Martha, Main Ridge and Arthurs Seat. This area defines the rural edge to the coastal townships of Safety Beach and Dromana.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the open rural landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

To protect the landscape values of the area.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17. A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 6 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

MORNINGTON PENINSULA PLANNING SCHEME

4.0                    Application requirements  
22/07/2021  
C255morn                    Nonespecified.

5.0                    Decision guidelines  
22/07/2021  
C255morn                    Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 7 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO7.

## SOUTH EASTERN PENINSULA

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms part of the catchment of Merricks Creek and waterways that discharge to Hanns Inlet. It is also an area of strategic landscape importance forming part of the coastal hinterland of Western Port Bay and the rural edge to the coastal villages of Somers, Balnarring, Balnarring Beach and Merricks Beach.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the open rural and coastal landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

To protect the landscape values of the area.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17. A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

MORNINGTON PENINSULA PLANNING SCHEME

4.0                    Application requirements  
22/07/2021  
C255morn                    Nonespecified.

5.0                    Decision guidelines  
22/07/2021  
C255morn                    Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 8 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO.

## ARTHURS SEAT ESCARPMENT

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms part of the catchment of Waterfall Creek and Rosebud South Creek and is subject to erosion, fire hazard and spring formation. It is also an area of strategic landscape importance, forming part of the prominent Arthurs Seat escarpment.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the escarpment landscape character undulating slopes and vistas of this area, that maintains the scenic value of roads and recreation routes and that reduces potential fire risk.

To protect the landscape values of the area.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

MORNINGTON PENINSULA PLANNING SCHEME

4.0 Application requirements  
22/07/2021  
C255morn  
Nonespecified.

5.0 Decision guidelines  
22/07/2021  
C255morn  
Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 9 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO9

## ARTHURS SEAT SOUTHERN SLOPES

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms part of the catchment of Splitters Creek and Drum Drum Alloc Creek, and adjoins the Arthurs Seat State Park. It is also an area of strategic landscape importance, forming the southern slopes of the Arthurs Seat escarpment.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the land form of the southern slopes of Arthurs Seat and the undulating rural landscape character and vistas of the area, that maintain the scenic value of roads and recreation routes, and that reduce potential fire risk.

To protect the landscape values of the area.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.



MORNINGTON PENINSULA PLANNING SCHEME

4.0                    Application requirements  
22/07/2021  
C255morn                    Nonespecified.

5.0                    Decision guidelines  
22/07/2021  
C255morn                    Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 10 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO10

## UPLAND BASALT SLOPES

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms part of the catchment of Merricks Creek and Coolart Creek, and includes areas subject to erosion and instability. It is also an area of strategic landscape importance, with the undulating landform producing a range of internal landscape and providing long range views to Westernport from roads along grid lines.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the varied rural landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

To protect the landscape values of the area.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17. A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

MORNINGTON PENINSULA PLANNING SCHEME

4.0

22/07/2021

C255morn

Application requirements

Nonespecified.

5.0

22/07/2021

C255morn

Decision guidelines

Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 11 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme maps as ESO11.

## SOUTH EASTERN BASALT SLOPES

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms the main catchment of Main Creek and extends to the Bass Strait coastline. It is also an area of strategic landscape importance forming part of the coastal hinterland of Westernport Bay and the rural edge to the coastal villages of Balnarring and Shoreham.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems of biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the open rural and coastal landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

To avoid the construction of broiler chicken sheds in this area.

To protect the landscape values of the area.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary

## MORNINGTON PENINSULA PLANNING SCHEME

- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

### 4.0

22/07/2021  
C255morn

#### Application requirements

Nonespecified.

### 5.0

22/07/2021  
C255morn

#### Decision guidelines

Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 12 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO12

## SOUTHERN BASALT T SLOPES

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms part of the catchment of Main Creek and other streamlines that discharge to Westernport Bay and the Bass Strait, and abuts the Greens Bush area of the Point Nepean National Park. It is also an area of strategic landscape importance forming part of the coastal hinterland of Westernport Bay and the coastal cliffs of Bass Strait. This area defines the rural edge to the coastal village of Flinders.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the open rural and coastal landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

To avoid the construction of broiler chicken sheds in this area.

To protect the landscape values of the area.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 percent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 percent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 percent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary

## MORNINGTON PENINSULA PLANNING SCHEME

- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 13 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO13

## TIDEWAY UPLIFT

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area forms part of the catchment of Main Creek, Lightwood Creek, Drum Drum Alloc Creek, and the Tootgarook Swamp. It contains the Greens Bush area of the Point Nepean National Park. Much of this area retains bushland cover in relatively intact condition. It is also an area of strategic landscape importance, containing the southern slopes of the Selwyn Fault and providing a variety of internal landscapes.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that are responsive to the landscape character and vistas of this area, which includes the edge of the Selwyn Fault, and that maintain the scenic value of roads and recreation routes.

To protect the landscape values of the area.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary



## MORNINGTON PENINSULA PLANNING SCHEME

- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

## 4.0

22/07/2021  
C255morn

## Application requirements

Nonespecified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

20/10/2022  
C227morn

## SCHEDULE 14 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO14

## BONEO FLATS

## 1.0

20/10/2022  
C227morn

## Statement of environmental significance

This area contains the Boneo Flats and sub-surface drainage system. The Drum Drum Alloc Creek crosses the northern boundary of the area. It is also an area of landscape significance, providing an area of gently undulating lowland that contrasts with escarpment of the Selwyn Fault to the south and east and the sand dune landscape to the west.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the undulating lowland landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

To protect the landscape values of the area.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

MORNINGTON PENINSULA PLANNING SCHEME

4.0                    Application requirements  
22/07/2021  
C255morn                    Nonespecified.

5.0                    Decision guidelines  
22/07/2021  
C255morn                    Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 15 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO15

## THE CUPS

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area is formed from semiconsolidated sand dunes and extends to the coastline of Bass Strait, adjoining the Point Nepean National Park. It is a major catchment area for the groundwater resources of the Nepean Peninsula. It is also an area of strategic landscape importance providing a distinctive landscape experience and forming the rural edge to the townships of Rye and St Andrews.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and groundwater quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that is responsive to the semiconsolidated sand dune landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

To protect the landscape values of the area.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary

## MORNINGTON PENINSULA PLANNING SCHEME

- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

## 4.0

22/07/2021  
C255morn

## Application requirements

Nonespecified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 16 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme maps as ESO16

## CAPE SCHANCK HINTERLAND

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

This area contains semi-consolidated sand dunes are liable to erosion and extend to the Bass Strait coastline adjoining the Point Nepean National Park. It forms part of the catchment of Burrabong Creek and Main Creek, with subsurface drainage in the western section. It is also an area of strategic landscape importance forming part of the coastal hinterland to Western Port Bay and the Bass Strait coastline and contains the major landmark of the Cape Schanck lighthouse.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve the environmental systems biodiversity, native vegetation habitat areas, land and soil stability, drainage patterns and stream quality of this area.

To promote the sustainable development of rural land and integrated land and catchment management including the retention and enhancement of habitat corridors and wetlands.

To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

To promote siting and design of buildings and works that are responsive to the semi-consolidated sand dune and coastal landscape character and vistas of this area, and that maintain the scenic value of roads and recreation routes.

## 3.0

20/01/2022  
VC205

## Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10 per cent.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent or less), neutral tones which blend with the surrounding landscape to the satisfaction of the responsible authority or where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a stream line wetland, area of fluvial deposits, cliff and beach area or active dune area as defined under schedule 5 to this overlay or within 60 metres of land within an Erosion Management Overlay
- Developments not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Transport Zone 2, 40 metres from a Transport Zone 3, 20 metres from any other road or 5 metres from any other boundary
- All earthworks including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity
- Any stock loading facility is located more than 10 metres from a road frontage.

MORNINGTON PENINSULA PLANNING SCHEME

4.0                    Application requirements  
22/07/2021  
C255morn                    Nonespecified.

5.0                    Decision guidelines  
22/07/2021  
C255morn                    Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 17 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO17.

## STREAMLINES

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

The streamlines of the Mornington Peninsula are an integral element of the environmental systems that support biodiversity and directly impact on the coastal and marine environments. Streamlines also often provide relatively undisturbed habitat corridors between larger areas of remnant vegetation. The catchment areas of streams and watercourses on the Peninsula are relatively small, increasing sensitivity to inappropriate development.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To maintain environmental flows and the quality of water within streams and watercourses.

To maintain the capacity of streams and watercourses to carry natural flows.

To prevent erosion of banks, stream beds and adjoining land and the siltation of watercourses, drains and other features.

To protect and conserve flora and fauna habitats (including those of fish and invertebrates) within and along streams and watercourses.

To ensure that development does not occur on land liable to flooding.

To ensure that subdivision and development is compatible with the environmental values of streams and watercourses.

## 3.0

22/07/2021  
C255morn

## Permit requirement

None specified.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:

- The environmental objectives of this schedule.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area, or any alternative land management or construction practices that would better meet the objectives of this schedule.
- Whether the proposed works are associated with essential works crossing the area including the installation of utility services or the provision of an access track.
- Whether substantial change or detriment will be caused to soil stability, vegetation, water quality or habitat values of the streamline.
- The need to retain connectivity in streamline habitat corridors.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The potential for flooding to occur, and whether the proposed development will impose any additional flooding risk or constraints over land in the vicinity.



## MORNINGTON PENINSULA PLANNING SCHEME

- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- Appropriate measures to prevent pollution, increased nutrient loads, siltation and increased turbidity of water in streamlines and watercourses.
- Appropriate measures to prevent detrimental alteration to flow regimes of streams and watercourses.
- The conservation of streams and streamside areas for their recreational value.
- The comments of all relevant drainage stream or catchment management authorities.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 18 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO18.

## WETLANDS

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

The wetlands of the Mornington Peninsula are an integral element of the environmental systems that support biodiversity and a number are of state and international significance. The catchment areas of wetland on the Peninsula are relatively small, increasing sensitivity to inappropriate development.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To maintain the environmental diversity and quality of areas which constitute wetlands, remnant swamplands, inter tidal areas and lagoons.

To limit development within environmentally sensitive areas.

To prevent the pollution of wetlands and swamp areas which are particularly sensitive to ground water pollution and the degradation of significant habitat areas.

To maintain environmental flows and the water quality within wetlands.

## 3.0

22/07/2021  
C255morn

## Permit requirement

None specified.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The environmental objectives of this schedule.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area, or any alternative land management or construction practices that would better meet the objectives of this schedule.
- Whether the proposed works are associated with essential works crossing the area including the installation of utility services or the provision of an access track.
- Whether substantial change or detriment will be caused to the stability, vegetation, water quality or habitat values of the wetland.
- The protection of wetlands and swamps for their environmental and scientific value.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The potential for flooding to occur, and whether the proposed development will impose any additional flooding or drainage risk or constraints over land in the vicinity or in any other way be detrimental to the wetland.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.

## MORNINGTON PENINSULA PLANNING SCHEME

- Appropriate measures to prevent pollution, increased nutrient loads, siltation and increased turbidity of water in wetlands.
- Appropriate measures to prevent detrimental alteration to flow regimes in wetlands.
- The comments of all relevant drainage, stream or catchment management authorities.
- Any approved management plan or approved works specific to the wetland.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 19 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO19.

## FLUVIATILE DEPOSITS

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

The areas of alluvial plain and reclaimed swamp on the Mornington Peninsula which support characteristic vegetation communities are an integral element of the environmental system that support biodiversity. These areas may have limited drainage capacity.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect the stability and environmental values of alluvial plains and reclaimed swamp with characteristic vegetation communities.

To avoid contamination of groundwater and the degradation of significant habitat areas.

To limit development within environmentally sensitive areas.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is not required to construct a building or construct or carry out works for the purpose of a single dwelling, addition or alteration to an existing dwelling, or an outbuilding on a lot located inside the urban growth boundary south of Pickings Road and north of Nepean Highway, Safety Beach.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The environmental objectives of this schedule.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area, or any alternative land management or construction practices that would better meet the objectives of this schedule.
- Whether the proposed works are associated with essential works crossing the area including the installation of utility services or the provision of an access track.
- Whether substantial change or detriment will be caused to the stability, vegetation, water quality or habitat values of the area.
- The protection of alluvial plains and reclaimed swamps for their environmental and scientific value.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The potential for flooding to occur, and whether the proposed development will impose any additional flooding or drainage risk or constraint over land in the vicinity.

## MORNINGTON PENINSULA PLANNING SCHEME

- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- The comments of all relevant drainage, stream or catchment management authorities.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 20 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO20

## CLIFF AND BEACH

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

The stability of cliff areas and beaches is critical to coastal management and the maintenance of environmental values. Cliff and beach areas are exposed to wave, spray and wind erosion and may be destabilised by buildings and works, including the removal of vegetation.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To maintain the stability of coastal cliffs and coastal margins which are exposed to wind and wave erosion.

To maintain the diversity of specialised coastal vegetation communities.

To ensure sustainable development in areas prone to erosion and instability.

To retain vegetation as a means of maintaining cliff and beach stability.

## 3.0

22/07/2021  
C255morn

## Permit requirement

None specified.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit within the Green Wedge Zone under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The environmental objectives of this schedule.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area or any alternative land management or construction practices that would better meet the objectives of this schedule.
- Whether the proposed works are associated with essential works crossing the area including the installation of utility services or the provision of an access track.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- The availability of alternative land outside of the overlay area.
- Appropriate measures to prevent erosion.
- The comments of all relevant catchment and coastal management authorities.

The following decision guidelines apply to an application for a permit within the General Residential Zone under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- The effect of the proposed development on the landscape and in particular the siting, height, bulk and general appearance of buildings and works.

## MORNINGTON PENINSULA PLANNING SCHEME

- The impact of development on neighbouring properties.
- The effect of any removal of native vegetation on the amenity and privacy of nearby areas.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 21 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO21.

## COASTAL HINTERLAND

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

The stability of coastal areas is critical to coastal management and the maintenance of environmental values. Coastal hinterlands are exposed to wave, spray and wind erosion and may be destabilised by buildings and works, including the removal of vegetation.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To act as a buffer area to the more sensitive cliff and beach areas.

To retain significant areas of coastal vegetation.

To ensure a sustainable intensity of development in areas with potentially sensitive and unstable conditions.

To maintain the high landscape and recreational values of the coastal environment.

## 3.0

22/07/2021  
C255morn

## Permit requirement

None specified.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The environmental objectives of this schedule.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area that would better meet the objectives of this schedule.
- The possible effect of buildings and works on the stability of the soil and vegetation communities.
- The protection of coastal areas for their recreational value.
- The comments of all relevant drainage, stream or catchment management authorities.



## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 22 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO22

## ACTIVE DUNES

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

The stability of coastal areas is critical to coastal management and the maintenance of environmental values. Active dune areas are exposed to primarily to wind erosion and may be destabilised by buildings and works, including the removal of vegetation.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To prevent the erosion of areas of predominantly exposed dunes and resulting from the blow out of semi-stabilised dune areas or where dune areas exist behind the foreshore.

To prevent structures which would cause interruption to the natural balance between wind patterns and dune structures.

To ensure a sustainable intensity of development in sensitive areas.

To retain vegetation as a means of maintaining soil and slope stability.

To avoid development on active dunes.

## 3.0

22/07/2021  
C255morn

## Permit requirement

None specified.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The environmental objectives of this schedule.
- Whether there is any reasonable alternative site for the proposed buildings and works, including the installation of effluent disposal and stormwater discharge areas outside of the overlay area, or any alternative land management or construction practices that would better meet the objectives of this schedule.
- Whether the proposed works are necessary for the installation of utility services or the provision of an access track.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- The availability of alternative land outside of the overlay area.
- Appropriate measures to prevent erosion.
- The comments of all relevant coastal management authorities.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 23 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO23

## SEMI STABILIZED DUNES

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

The stability of semi-stabilised dunes is critical to sustainable land management and the maintenance of environmental values. These areas may become unstable if the top surface is removed in steeper sections and exposed to wind erosion.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To maintain the stability of the unique landform (the Cups) that may become unstable if the top surface is removed in steeper sections.

To ensure that buildings are sited to prevent unnecessary wind turbulence in certain areas such as the windward and leeward top slopes, in order to prevent surface erosion.

To ensure a sustainable intensity of development in semi-stabilised dune areas.

To avoid development on land with a ground slope greater than 25 per cent.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is not required for the following, when associated with farming on the land:

- A fence
- A structure that:
  - Is less than 30 square metres in floor area.
  - Is 8 metres or less in height above natural ground level.
  - Is more than 20 metres from any boundary
  - Is on ground with a slope of 10 per cent or less.

A permit is not required to remove, destroy or lop native vegetation specified in the Schedule to Clause 52.17.4.0.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The environmental objectives of this schedule.
- The slope of the land.
- Whether there is any reasonable alternative site for the proposed buildings and works, including the installation of effluent disposal and stormwater discharge areas outside of the overlay area, or any alternative land management or construction practices that would better meet the objectives of this schedule.
- Whether the proposed works are necessary for the installation of utility services or the provision of an access track.

## MORNINGTON PENINSULA PLANNING SCHEME

- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not available.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- Appropriate measures to prevent erosion.
- The comments of all relevant soil conservation authorities.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 24 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO24

## SITE OF SCIENTIFIC SIGNIFICANCE

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

A number of sites of scientific significance have been identified. These include:

Sites of archaeological significance relating to the pre-European history of the Peninsula. These sites are of special value due to their Aboriginal cultural heritage significance, linked to their environmental context.

Sites of botanical significance. These sites are of special value due to the quality or rarity of the vegetation community, the condition and diversity of species, and the extent of the area, affecting the ability of the community to regenerate.

Sites of geological significance. These sites are of special value due to the diversity of lithological, geomorphological or petrological features, and the unique association or outstanding occurrence of geological forms or processes and their condition.

Sites of zoological significance. These sites are of special value due to the vulnerability, rarity and diversity of species, the extent of the population, which affects the ability of the community to regenerate, and the degree of habitat modification.

These sites are of cultural, scientific and educational value to current and future generations.

Background document: Conservation Plan for the Southern Mornington Peninsula, 1979.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To ensure the conservation of specific areas of archaeological, botanical, geological or zoological value or significance.

To maintain the environmental context of archaeological, botanical, geological and zoological sites.

To avoid any modification to sites of scientific significance, including the modification by grazing or cropping, and to ensure that any development within the overlay area is necessary to maintain or enhance the archaeological, botanical, geological and zoological values of the site.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is not required for any works directed or authorised under the Archaeological and Aboriginal Preservation Act 1972, provided that the site is not of botanical, geological or zoological significance.

## 4.0

22/07/2021  
C255morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- An application must include a report from a suitably qualified person or persons demonstrating that the archaeological, botanical, geological and zoological values of the site have been addressed.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:

## MORNINGTON PENINSULA PLANNING SCHEME

- The environment objectives of this schedule.
- The Aboriginal cultural resources management grid map and guidelines provided by Aboriginal Affairs Victoria.
- The impact of any proposal on the site and the capacity of the area to withstand change without detriment to its scientific or educational value.
- Whether the proposed works are necessary for the maintenance or enhancement of archaeological, botanical, geological or zoological values.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 25 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO25

## PORT PHILLIP COASTAL AREA

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

The Port Phillip coastal area and adjoining offshore areas contain some of Victoria's most significant cultural and natural features including sites of ecological, archaeological, geological, geomorphological, aesthetic and cultural heritage value. These places are of cultural, scientific and educational value to current and future generations.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and enhance the natural features, vegetation, ecological diversity, landscape quality, heritage values and recreation opportunities of the Port Phillip Bay coastal area and associated intertidal and marine habitats.

To promote excellence in design of buildings, facilities and structures in the coastal area.

To promote coordinated management of the Port Phillip coastal area.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is required to construct fencing unless:

- The land abuts the southerly or easterly alignment of Point Nepean Road, Marine Drive or Esplanade.
- The side and rear fence is 2.0 metres in height or less.
- The front fence has a height of 1.8 metres or less.
- At least 50 per cent of the front fence surface is transparent.

A permit is not required for:

- The removal of vegetation in the ordinary course of the management of established parks or gardens or in the course of the repair or maintenance of any other works including fire breaks.
- Works for the establishment, maintenance, repair or removal of signs or other structures necessary for the safety or protection of the public including traffic management devices, survey marks and beacon navigation aids, safety fences or railings.
- Any structure, works or use for which consent has been granted under the Port Phillip Coastal Planning and Management Act 1966 since 16 February 1986.
- A minor public utility installation or litter receptacles.
- Development carried out by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the relevant provisions of the Water Industry Act 1994, the Water Act 1989, the Marine Act 1968, the Port of Melbourne Authority Act 1958, the Crown Land (Reserves) Act 1978 or the Parks Victoria Act 1998.
- The removal, destruction or lopping of native vegetation specified in the schedule to Clause 52.17.

## 4.0

22/07/2021  
C255morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

## MORNINGTON PENINSULA PLANNING SCHEME

- Every application involving land within or abutting a Public Park and Recreation Zone or Public Conservation and Resource Zone must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The environmental objectives of this schedule.
- The existing use and development of the land.
- The degree to which the proposed developments depend on a coastal location.
- The ability to reduce the number of buildings and other structures by combined use or reuse of existing buildings.
- The appropriateness of a condition requiring the relocation or removal of inappropriate structures as part of an application.
- Whether any proposed structure or works, including the planting or removal of vegetation, is likely to cause any deterioration of the Port Phillip Coastal Area by virtue of erosion or the deposition of sand or silt or any other reason.
- The Victorian Coastal Strategy 2014, Siting and Design Guidelines for Structures on the Victorian Coast (May 1998) and background document Landscape Setting Types for the Victorian Coast (May 1998).

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 26 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shownon theplanningschemenapasESO26

## RED HILL DRAINAGE POLICY

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

An identifiedareaof theRedHill Southtownshiphaslimited drainagecapacityandinappropriate developmentmay degradenaturaldrainagesystemsandstreamlines.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protectthennaturaldrainagesystems of land in the townshipof RedHill South.

## 3.0

22/07/2021  
C255morn

## Permit requirement

Nonespecified.

## 4.0

22/07/2021  
C255morn

## Application requirements

Nonespecified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

Thefollowing decisionguidelinesapplyto an applicationfor a permitunderClause42.01,in additionto thosespecifiedin Clause42.01andelsewherein thescheme,which mustbeconsidered, asappropriateby the responsibleauthority:

- Theuseto which the building is to be put.
- The suitability of any proposedmethodsfor the collectionanddisposalof sewage,effluentandstormwater
- Theaccessibilityof the site.
- Theavailability of utility services.



## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 27 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO27.

## MERRICKS BEACH ENVIRONMENTAL MANAGEMENT

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

As part of a strategy to retain the low key coastal village character of the Merricks Beach township, alternative wastewater management techniques to those of installing reticulated sewerage and drainage systems have been supported. The impact of this alternative approach on stream conditions and coastal environments requires ongoing monitoring.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect the environment and natural character of the Merricks Beach village.

To ensure as far as practicable the retention of wastewater within the boundaries of each property as part of a township wastewater management strategy

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is not required for buildings and works except:

- To construct or carry out works associated with the provision of reticulated water, reticulated sewerage, main drainage or gas supply
- To connect to reticulated water supply. This does not apply where the site abuts a main existing before 31 August 1995.

## 4.0

22/07/2021  
C255morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- An application for permit must be accompanied by a site capability assessment to demonstrate that all wastewater can be adequately treated and contained within the lot. The assessment must address the relevant requirements listed in the "Code of Practice for Septic Tanks".

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The natural character, vegetation and environment of Merricks Beach Village.
- The need for adequate fire control plans.
- The need to include conditions in any approval of reticulated water supply requiring:
  - Provision by the landowner of an all waste disposal system to the satisfaction of the responsible authority, including provision if necessary of a household sewage treatment plant approved by the Environmental Protection Authority.
  - Regular inspection and maintenance of the septic tank/waste absorption system including provision by the landowner of an audit report every two years, all to the satisfaction of the responsible authority.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 28 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO28

## MORNINGTON PENINSULA BUSHLAND

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

The remnant native vegetation of the Mornington Peninsula is significant for its diversity and environmental value, including habitat areas of state, national and international significance. Smaller areas of vegetation act as important components of the remaining habitat, providing movement corridors for both animals and bird life.

Remnant vegetation is also a key feature of the Peninsula's landscape and their scenic recreational value for local and regional communities.

Retaining vegetation is also critical to catchment management in terms of maintaining surface and groundwater quality, the control of siltation, the management of soil salinity, acidification and waterlogging, and prevention of erosion in hillside and coastal areas. The ability to maintain environmental systems and viable habitat areas on the Peninsula is highly dependent on the retention of existing native vegetation and encouraging vegetation utilising indigenous species.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To protect and conserve native vegetation and habitat areas, including those of rare, threatened and endangered flora and fauna species from clearing, degradation or fragmentation.

To protect and conserve habitat corridors, including land with a minimum width of 30 metres on both sides of a streamline.

To arrest and reverse the decline of remnant native vegetation and to achieve a net increase in native vegetation within the Shire over time.

To promote the maintenance of ecological processes and biodiversity.

To promote the implementation of regional catchment strategies, regional vegetation plans and other natural resource management strategies.

To conserve the Shire's vegetation based landscape assets.

To avoid the loss or detrimental modification of native vegetation through grazing, cropping and other forms of agriculture.

To ensure that trees are cleared from no more than 10 percent of the land effected by this schedule and understorey from no more than a further 30 percent of the land effected by this schedule.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is not required to remove vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

## 4.0

22/07/2021  
C255morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- Application to located dwellings within bushland areas must include a site plan indicating the areas for the dwelling, access driveways, fire hazard clearing, areas for effluent disposal and other areas of site development in addition to the plan requirements specified below
- An application to remove native vegetation must:

## MORNINGTON PENINSULA PLANNING SCHEME

- Indicate the total extent of native vegetation on the property, the extent and purpose of proposed clearing, the location of any watercourse on the property and, if relevant, the location of areas where the ground slope exceeds 20 per cent.
- Demonstrate that the proposed removal of native vegetation has been minimised to the maximum extent that is reasonable and practical.
- Specify measures to protect and improve the condition of native habitat, including proposals for revegetation indicating proposed species, methods of ground stabilisation and measures to prevent or manage invasion by environmental weeds.
- If the area of proposed clearing exceeds 4000 square metres, a report on the vegetation and habitat significance of the area to be cleared must be provided to the satisfaction of the responsible authority.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The environmental objectives of this schedule.
- Any relevant regional catchment strategy or regional vegetation plan.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed.
- The botanical and habitat value of the vegetation in terms of physical condition, rarity or diversity. This includes recognition of the role of dead vegetation and tree hollows in providing habitat.
- The environmental value of the vegetation in terms of protecting stream quality and wetlands.
- Whether there is any reasonable alternative site for proposed buildings and works outside of the overlay area that would better meet the objectives of this schedule.
- The extent of the proposed vegetation removal and the likely effect on the stability of the site and soils, particularly along streamlines or in erosion prone areas.
- The siting and design of buildings and works to avoid the removal of remnant vegetation, including the disturbance of root zones.
- The extent to which the removal of vegetation is necessary to achieve proper fire management.
- The likely effect of any clearing on the habitat value and long term viability of remnant bushland areas.
- Whether the siting of a proposed dwelling is likely to generate demand for future removal of vegetation associated with fire hazard clearing, areas for ancillary uses and the like.
- The extent to which proposed clearing may expose remaining areas to weed invasion.
- The landscape impact of the proposed removal, destruction or lopping of vegetation.
- The purpose of removing native vegetation and whether there are any alternative land management or construction practices that would better meet the objectives of this schedule.
- The comments of any relevant coastal management, fire prevention, catchment protection, land management or soil conservation authority.
- The benefit of conditions requiring planting or replanting or other treatment of any part of the land, including the opportunity to achieve a net increase in the area of native vegetation.
- The benefit of requiring locally indigenous species in replanting and the need to exclude environmental weeds.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 29 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO29

## WATER CATCHMENTS AND WATER SUPPLY MANAGEMENT AREAS

## 1.0

22/07/2021  
C255morn

## Statement of environmental significance

The Mornington Peninsula contains five reservoirs at Devil Bend, Bittern, Tyabb, Dromana and Mornington. It is critical to prevent polluted runoff and airborne materials from entering reservoirs in order to protect the quality of drinking water.

## 2.0

22/07/2021  
C255morn

## Environmental objective to be achieved

To ensure the protection and maintenance of water quality and water yield within water supply catchment areas.

To ensure the appropriate use and development of land within the catchment areas of reservoirs and the land immediately surrounding the reservoirs.

## 3.0

22/07/2021  
C255morn

## Permit requirement

The responsible authority must seek the comments of the Department of Natural Resources and Environment and those of the relevant water authority before deciding on an application for:

- Any subdivision creating lots of less than 40 hectares.
- Any activity which is likely to produce airborne pollutants detrimental to water quality.
- Intensive animal husbandry

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The environmental objectives of this schedule.
- The effect on water quality, watercourse capacity and erosion.
- The conservation of natural habitats.
- The preservation of and impact on the environment.
- The protection of sites of scientific significance particularly sites identified as having botanical, zoological, geological, geomorphological and archaeological or landscape significance.
- The Planning Guide for Land Liable to Flooding in Victoria 1997.
- Any water management plan prepared by the relevant water management authority

## MORNINGTON PENINSULA PLANNING SCHEME

20/10/2022  
C227morn

## SCHEDULE 31 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO31.

## TOOTGAROOK WETLAND

## 1.0

20/10/2022  
C227morn

## Statement of environmental significance

Tootgarook Wetland is the largest wetland on the Mornington Peninsula. The Wetland is within the Chinaman Creek catchment and operates as a retarding basin providing critical flood storage protecting downstream areas from severe flooding.

Despite many disturbances and modifications, Tootgarook Wetland supports a wide range of biodiversity values including protected ecological communities, native vegetation, migratory bird species and aquatic and terrestrial faunal species.

Many of these communities and species are protected under the Flora and Fauna Guarantee Act 1988 (Victoria) and the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) or recognised under international migratory agreements. The protection of ecological communities and species within the Wetland is important for protecting the ongoing function of the Wetland.

Tootgarook Wetland is critical in conserving the habitat of resident and migratory species, especially during seasonal or prolonged periods of drought (habitat contraction).

Development within Tootgarook Wetland and its buffer zone needs to be carefully managed to protect and maintain the ecological values and functions of the Wetland.

## 2.0

20/10/2022  
C227morn

## Environmental objective to be achieved

To protect and enhance the ecological values and functions of Tootgarook Wetland.

## 3.0

20/10/2022  
C227morn

## Permit requirement

A permit is required to construct a fence. This does not apply to:

- A post and plain wire fence.
- Open agricultural or equestrian fencing.
- A portable fence required for an equestrian event that is both constructed and demounted within 14 days of that event.

## 4.0

20/10/2022  
C227morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- A report prepared by a suitably qualified person on the potential for acid sulfate soils and any management recommendations in regard to the Victorian Coastal Acid Sulfate Soils Strategy 2009
- A report prepared by a suitably qualified person on the potential for contamination of ground and surface water
- A land management plan that addresses:
  - An integrated approach to managing the land, environmental and water resources on the site.
  - Any wider catchment management plans or strategies that apply to Tootgarook Wetland.

## MORNINGTON PENINSULA PLANNING SCHEME

- Any recommended management or mitigation measures required to mitigate risks to the wetland, such as pest and weed management measures or land management plans.
- A Site Environmental Management Plan which addresses project management details, construction details, construction impacts and impact mitigation measures.

## 5.0

20/10/2022  
C227morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The existing and proposed use of the land and the purpose of the development in relation to that use.
- The impact on vegetation, surface water quality, groundwater, habitat values or stability of the Wetland or watercourse.
- The protection of the Wetland for its environmental, cultural, landscape and scientific values.
- The means of treatment and disposal of sewerage, sullage and any other wastes where connection to the reticulated sewerage system is not viable.
- The potential for flooding to occur and whether the proposed development will impose additional flooding or drainage risk or constraint.
- Appropriate measures to prevent detrimental alterations to flow regimes in the Wetland including any water sensitive urban design features.
- Appropriate measures to prevent litter, pollution, increased nutrient loads, siltation and increased turbidity of water in the Wetland and its buffer.
- Any approved management plan or strategies that are applicable to the Wetland.
- Appropriate species selection for landscaping having regard to the character of the Wetland, light spill from urban development and the potential for exotic species to remove water from the Wetland through evapotranspiration.
- The siting and design of the buildings and structures having regard to its responsiveness to the undulating lowland landscape character of the Wetland and its buffer.
- Any measures to avoid or minimise the impacts of the development on the ecological values and functions of Tootgarook Wetland.

## MORNINGTON PENINSULA PLANNING SCHEME

05/09/2024  
C241morn

## SCHEDULE 32 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO32

## BALCOMBE CREEK ESTUARY AND ASSOCIATED RESERVES

## 1.0

05/09/2024  
C241morn

## Statement of environmental significance

Balcombe Creek Estuary and associated reserves (Reserves) are located in Mount Martha on the Mornington Peninsula. Balcombe Creek flows through the Reserves and forms an estuary which intermittently opens to the Port Phillip Bay. The Balcombe Creek Estuary is a major waterway for the Westernport and Mornington Peninsula Region.

The Reserves support a range of critically important ecological values including indigenous flora and fauna. The Reserves contain 51.7 hectares of native vegetation and a recorded total of 164 indigenous plant taxa (species, subspecies and varieties). Many of these communities and species are protected under the Flora and Fauna Guarantee Act 1988 (Victoria) and the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth). The protection of ecological communities and species recorded is important in conserving the Reserves.

The significant identified ecological values of the Reserves include patch native vegetation communities and mammals, reptiles, amphibians and birds that are variously listed. These patch native ecological vegetation classes notably include:

- Coast Banksia Woodland EVC 2.
- Coastal Dune Grassland EVC 879.
- Coastal Saltmarsh EVC 9.
- Damp Sands Herb-rich Woodland EVC 3.
- Estuarine Reedbed EVC 952.
- Estuarine Scrub EVC 953.
- Estuarine Wetland EVC 10.
- Grassy Woodland EVC 175.
- Reed Swamp EVC 300.
- Swamp Scrub EVC 53.

## 2.0

05/09/2024  
C241morn

## Environmental objective to be achieved

To protect and enhance the ecological values, systems and character of the Reserves.

## 3.0

05/09/2024  
C241morn

## Permit requirement

A permit is not required to:

- Remove, destroy or lop vegetation that is not native vegetation.
- Remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.
- Remove, destroy or lop native vegetation to the minimum extent necessary for the reasonable maintenance of any existing Minor Sports and Recreation Facility, Education Centre or Office in the Public Park and Recreation Zone.
- Undertake works for shared pathways and trails undertaken by or on behalf of the public land manager provided they do not occupy more than 10 square metres.
- Remove any tree or branch of a tree which impairs the access of motor vehicles along any existing or approved access track or road.

## MORNINGTON PENINSULA PLANNING SCHEME

- Maintain landscaping including pruning, which does not affect the stability, general form and viability of the native vegetation. This exemption does not apply to the pruning or lopping of the trunk of a native tree.
- Remove, destroy or lop native vegetation to the minimum extent necessary to enable the carrying out of conservation works undertaken by or on behalf of the public land manager
- Remove, destroy or lop native vegetation to the minimum extent necessary to enable the reasonable maintenance of existing minor utility installations.

A permit is required to construct a fence. This does not apply to:

- A fence that is required for conservation purposes to the satisfaction of the responsible authority
- The replacement of an existing fence associated with an existing Minor Sports and Recreation Facility, Education Centre or Office that is contained to the footprint of the existing fence.

## 4.0

05/09/2024  
C241morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- A Flora and Fauna Assessment which includes but is not limited to:
  - The ecological values in relation to the proposal.
  - The significance of the identified ecological values.
  - The impacts of the proposal against the identified ecological values, including the impact of any proposed lighting on flora and fauna, and particularly with respect to aquatic ecology
  - Evidence that the proposal has avoided and minimised ecological impacts to the maximum extent that is reasonable and practical.
- A Site Environmental Management Plan that describes measures to avoid or mitigate impacts to the ecological values of the Reserves during construction or carrying out works in relation to the proposal.
- A Land Management Plan which identifies appropriate ongoing measures for the continued protection of the ecological values of the Reserves affected by the proposal, including:
  - Maintaining water quality in accordance with any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority (specific objectives relate to total nitrogen, total phosphorus, suspended solids, gross pollutants and flow) with further consideration for other contaminants, hydrocarbons, heavy metals, and other toxicants as required.
  - Specifying measures to protect and improve the condition of native habitat, including proposals for revegetation, indicating proposed species, methods of ground stabilisation and measures to prevent or manage invasion by environmental weeds while ensuring no overall increase in bushfire risk.
  - Specifying a monitoring and maintenance schedule.
  - Mitigating lighting impacts on flora and fauna particularly in respect to aquatic ecology provided relevant Australian lighting standards for the Minor Sports and Recreation Facility are met.
- Notice must be given for every application relating to earthworks and native vegetation removal in accordance with Section 52(1)(c) of the Act to the person or body specified in Clause 66.06 or a schedule to that Clause.



## MORNINGTON PENINSULA PLANNING SCHEME

## 5.0

05/09/2024  
C241morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The impact of the proposal on the ecological values including native vegetation, water quality, habitat and the waterway
- The botanical or habitat value of the native vegetation to be removed in terms of physical condition, rarity or diversity has been considered. This includes recognition of the role of dead native vegetation and tree hollows in providing habitat.
- Whether the extent to which the removal of native vegetation is necessary to achieve proper fire management and manage environmental weeds.
- The likely effect of any clearing on the habitat value and long term viability of remnant bushland areas.
- The benefit of planting or replanting or other treatment of any part of the land, including the opportunity to achieve a net increase in the area of native vegetation.
- Whether any proposed revegetation or landscaping plan, including species selection, enhances the ecological value of the Reserves and ensures overall bushfire risk is not increased.
- Whether any relevant regional catchment strategy or regional native vegetation plan applies to the Reserves.
- Whether the development supports the ongoing viability of existing formal and informal sports and recreation uses or community uses within the Reserves.
- Whether the development balances the ecological values of the Reserves and the reasonable use of formal and informal sports and recreation uses and community facilities.
- Whether the siting and design of buildings and works responds to:
  - The ecological values of the Reserves.
  - Avoiding the removal of remnant native vegetation including the disturbance of root zones.
- The impact of proposed lighting on the ecological significance of the Reserves.

## MORNINGTON PENINSULA PLANNING SCHEME

## 42.02

31/07/2018  
VC148

## VEGETATION PROTECTION OVERLAY

Show on the planning scheme map as VPO with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect areas of significant vegetation.

To ensure that development minimises loss of vegetation.

To preserve existing trees and other vegetation.

To recognise vegetation protection areas as locations of special significance, natural beauty interest and importance.

To maintain and enhance habitat and habitat corridors for indigenous fauna.

To encourage the regeneration of native vegetation.

## 42.02-1

31/07/2018  
VC148

## Vegetation significance and objectives

A schedule to this overlay must contain:

- A statement of the nature and significance of the vegetation to be protected.
- The vegetation protection objectives to be achieved.

## 42.02-2

28/10/2022  
VC224

## Permit requirement

A permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay.

This does not apply:

- If the table to Clause 42.02-3 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Remove, destroy or lop one tree provided:	Clause 59.06
<ul style="list-style-type: none"> <li>▪ A permit has not been granted for a VicSmart application to remove, destroy or lop a tree on the same land within the last 12 months.</li> <li>▪ There is no other current VicSmart application to remove, destroy or lop a tree on the same land.</li> </ul>	

## 42.02-3

16/08/2024  
VC262

## Table of exemptions

The requirement to obtain a permit does not apply to:	
Emergency works	Vegetation that is to be removed, destroyed or lopped:

## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

	<ul style="list-style-type: none"> <li>in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or</li> <li>where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</li> </ul>
Extractive industry	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.
Fire protection	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</p> <ul style="list-style-type: none"> <li>fire fighting;</li> <li>planned burning;</li> <li>making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</li> <li>making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</li> <li>is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</li> <li>in accordance with a fire prevention notice issued under either: <ul style="list-style-type: none"> <li>section 87 of the Fire Rescue Victoria Act 1958;</li> <li>section 65 of the Forests Act 1958; or</li> <li>section 41 of the Country Fire Authority Act 1958.</li> </ul> </li> <li>keeping vegetation clear of, or minimising risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;</li> <li>minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.</li> </ul> <p>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</p>
Geothermal energy exploration and extraction	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005.
Greenhouse gas sequestration and exploration	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008.
Land management and directions notice	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994.
Land use conditions	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994.
Mineral exploration and extraction	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the Mineral Resources (Sustainable Development) Act 1990:

## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:	
	<ul style="list-style-type: none"> <li>that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</li> <li>in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</li> </ul> <p>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</p>
Noxious weeds	Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder ( <i>Cuscuta australis</i> ).
Pest animal burrows	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows.</p> <p>In the case of native vegetation the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped.</p>
Planted vegetation	Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.
Railways	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).
Regrowth	<p>Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:</p> <ul style="list-style-type: none"> <li>bracken (<i>Pteridium esculentum</i>); or</li> <li>within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.</li> </ul> <p>This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</p>
Road safety	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).
Stone exploration	<p>Vegetation is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</p> <p>The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> <li>1 hectare of vegetation which does not include a tree.</li> <li>15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</li> <li>5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</li> </ul> <p>This exemption does not apply to costeaning and bulk sampling activities.</p>
Surveying	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.
Traditional owners	Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:

## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

	<ul style="list-style-type: none"> <li>a natural resources agreement under Part 6 of the Traditional Owners Settlement Act 2010; or</li> <li>an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional owners Settlement Amendment Act in 2016 (1 May 2017).</li> </ul>
Tram stops	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.
Transport land	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure.

## 42.02-4

31/07/2018  
VC148

## Application requirements

An application must be accompanied by any information specified in a schedule to this overlay

## 42.02-5

31/07/2018  
VC148

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The statement of the nature and significance of the vegetation to be protected and the vegetation protection objective contained in a schedule to this overlay
- The effect of the proposed use, building, works or subdivision on the nature and type of vegetation to be protected.
- The role of native vegetation in conserving flora and fauna.
- The need to retain native or other vegetation if it is rare, supports a species of flora or fauna or forms part of a wildlife corridor.
- The need to retain vegetation which prevents or limits adverse effects on groundwater recharge.
- The need to retain vegetation:
  - Where ground slopes exceed 20 percent.
  - Within 30 metres of a waterway or wetland.
  - On land where the soil or subsoil may become unstable if cleared.
  - On land subject to or which may contribute to soil erosion, slippage or salinisation.
  - In areas where the removal, destruction or lopping of vegetation could adversely affect the integrity or long term preservation of an identified site of scientific, nature conservation or cultural significance.
  - Which is of heritage or cultural significance.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property
- Any relevant permit to remove, destroy or lop vegetation in accordance with a land management plan or works program.
- Whether the application includes a land management plan or works program.

## MORNINGTON PENINSULA PLANNING SCHEME

- Whether provision is made or is to be made to establish and maintain vegetation elsewhere on the land.
- Any other matters specified in a schedule to this overlay

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 1 TO CLAUSE 42.02 VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO1.

## TOWNSHIP VEGETATION

## 1.0

22/07/2021  
C255morn

## Statement of nature and significance of vegetation to be protected

There are many residential areas within the Mornington Peninsula where substantial vegetation cover, rather than built form, is the dominant visual and environmental feature. These areas include the Mt Eliza escarpment areas of the Mornington and Mt Martha townships, the rural residential areas of Somerville, Hastings and Crib Point, the Western port coastal villages, and the hillside, cliff top, sand dune and wild coast areas of the southern Peninsula.

In these areas the impression is of buildings within a landscape rather than that of landscaping around buildings. This balance between natural or introduced vegetation and built form contributes substantially to local character. Vegetation in these areas also serves important environmental functions in providing areas of habitat and habitat corridors, assisting soil stability, reducing the intensity of stormwater runoff and limiting the erosion and siltation of streamlines.

## 2.0

22/07/2021  
C255morn

## Vegetation protection objectives to be achieved

To recognise areas where substantial vegetation cover is the dominant visual and environmental feature.

To ensure that subdivision and development proposals have proper regard to the landscape character of township areas.

To ensure that new development has proper regard for the established landscape streetscape and development pattern in terms of being consistent with the existing balance between vegetation and building form in the local area and contributing to the landscape character of the area.

To ensure that any removal of natural vegetation and works associated with development in environmentally sensitive areas including stream line areas is carried out with proper regard to the physical characteristics of each site and the local area.

To avoid grazing on the steeper slopes of Arthur's Seat.

To ensure that any removal of natural vegetation in proximity to the Point Nepean National Park or other public land has proper regard to the impact on these areas.

To protect and conserve native vegetation including grasses and ground flora.

To protect and conserve the habitat value of vegetation within township areas.

To encourage strategic replanting to provide for the long term maintenance of landscape and environmental values within townships.

To ensure that the proposed location of dwellings, or other buildings, includes measures to minimise the removal of vegetation on site and from road reserves.

To prevent the premature removal of vegetation from a site prior to consideration of design options for a proposed development.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is required to remove, destroy or lop any vegetation, except for:

- The removal of vegetation which is to be carried out in conjunction with a development approved under a planning permit and in accordance with an endorsed plan.
- The removal of vegetation necessary for the construction of a dwelling, dwelling extension or outbuilding where no planning permit is required and provided that:
  - A building permit has been granted for the proposed development.

## MORNINGTON PENINSULA PLANNING SCHEME

- No tree with a trunk circumference greater than 0.35 metres is removed within 6 metres of a road frontage.
- Vegetation is only removed from the building footprint or within 2 metres of the proposed building.
- The removal of vegetation not within a road reserve to enable the formation of a single crossing and access driveway with a maximum width of 3.7 metres.
- The removal of vegetation which presents an immediate risk of personal injury or damage to property including the culling of single trees located within 3 metres of a dwelling or outbuilding, or which overhang a boundary line.
- The removal of any dead timber or branch which has occurred through natural circumstances, fire or the spread of noxious weeds.
- The removal of any tree or branch of a tree which impairs the access of motor vehicles along any existing or approved access track, provided that such access track has a width no greater than 3.7 metres.
- The maintenance of landscaping including pruning, which does not effect the stability, general form and viability of the vegetation.
- The removal of vegetation that has been established for less than 10 years and which is not required as landscaping under a planning approval.
- The removal of vegetation specified in the schedule to Clause 52.17.

## 4.0

22/07/2021  
C255morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 42.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- An application for permit must be accompanied by a vegetation management plan clearly indicating:
  - All existing vegetation on the site, the extent and purpose of proposed vegetation removal and the species density and location of trees and other vegetation to be planted.
  - The location of any water course on the property and, if relevant, the location of areas where the ground slope exceeds 20 per cent.
- Where it is proposed to relocate a building, the application must specify the intended access route and provide an assessment of the vegetation impact, both on the site and on road reserves, including any proposed replanting.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.02, in addition to those specified in Clause 42.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The vegetation protection objectives of this schedule.
- The value of the native vegetation to be removed in terms of its habitat, landscape and environmental values, age, physical condition, rarity or variety.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitats significance of the vegetation to be removed.
- Whether there is any reasonable alternative means of siting buildings and works in order to conserve the native vegetation of the area.



## MORNINGTON PENINSULA PLANNING SCHEME

- The extent of the proposed vegetation removal and its likely effect on the stability of the site, particularly along streamlines or in erosion prone areas.
- The extent to which the removal of vegetation is necessary to achieve proper fire management.
- The benefit of conditions providing for the relocation of significant species prior to development of a site, having particular regard to the occurrence of native orchids.
- The benefit of conditions requiring planting, replanting and other treatment of the land, having regard to the relationship between buildings and the landscape and the maintenance, where possible, of shared view lines.
- The need for replacement vegetation to be of an appropriate species and to exclude environmental weeds.
- The need for a condition requiring the payment of a bond as part of a development approval to ensure that no unauthorised removal of vegetation occurs.
- The comments of any relevant coastal management, fire prevention, land management or soil conservation authority.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 2 TO CLAUSE 42.02 VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO2.

## SIGNIFICANT TREELINES

## 1.0

22/07/2021  
C255morn

Statement of nature and significance of vegetation to be protected

Treelines within roadsides, reserves, along streamlines and within properties form important habitat and landscape elements on the Mornington Peninsula. Treelines often act as habitat corridors linking other, more substantial areas of remnant vegetation. These factors are emphasised in the Shire's Road Side Management Strategy. Many treelines, including those composed of non-indigenous trees, such as Monterey or Radiata Pines, are culturally significant elements of the Peninsula landscape.

## 2.0

22/07/2021  
C255morn

Vegetation protection objectives to be achieved

To protect and conserve native vegetation and habitat areas including those of rare, threatened and endangered flora and fauna species along roadsides, streamlines, linear reserves and other treelines.

To maintain the high landscape quality of roadsides and other areas.

To maintain and enhance the habitat value and corridor function of treelines.

To ensure consideration of the cultural and landscape significance of all treelines, including those composed of introduced vegetation species such as Monterey or Radiata Pines.

To ensure that proposals for replacement planting have regard to both environmental and cultural landscape values.

To encourage strategic replanting programs using suitable species to provide for the long term maintenance of landscape values.

## 3.0

22/07/2021  
C255morn

Permit requirement

A permit is required to remove, destroy or lop any vegetation, except for:

- The removal of vegetation which is to be carried out in conjunction with a development approved under a planning permit and in accordance with an endorsed plan.
- The removal of vegetation necessary for the construction of a dwelling, dwelling extension or outbuilding where no planning permit is required and provided that:
  - A building permit has been granted for the proposed development.
  - Vegetation is only removed from the building footprint or within 2 metres of the proposed building.
  - No tree with a trunk circumference greater than 0.35 metres is removed within 6 metres of a road frontage.
- The removal of vegetation not within a road reserve to enable the formation of a single crossing and access driveway with a maximum width of 3.7 metres.
- The removal of vegetation which presents an immediate risk of personal injury or damage to property including the culling of single trees located within 3 metres of a dwelling or outbuilding, or which overhang a boundary line.
- The removal of any dead timber or branch which has occurred through natural circumstances, fire or the spread of noxious weeds.

## MORNINGTON PENINSULA PLANNING SCHEME

- The removal of any tree or branch of a tree which impairs the access of motor vehicles along any existing or approved access track, provided that such access track has a width no greater than 3.7 metres.
- The removal of vegetation specified in the schedule to Clause 52.17.

## 4.0

22/07/2021  
C255morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 42.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- An application to remove vegetation must indicate:
  - The total extent of vegetation on the property and the extent of proposed clearing.
  - The location of any water course on the property and, if relevant, the location of areas where the ground slope exceeds 20 percent.
  - The purpose of the proposed clearing and any proposals for revegetation, including proposed species and ground stabilisation.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.02, in addition to those specified in Clause 42.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The vegetation protection objectives of this schedule.
- Any relevant regional catchment strategy or regional vegetation plan.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed.
- The cultural landscape value and visual prominence of the treeline, including the extent to which it remains intact and the condition and health of the trees.
- The botanical and environmental value of the treeline, including the age and condition of the trees and the extent to which the treeline forms part of a habitat area or habitat corridor.
- The need to maintain the connectivity of habitat corridors.
- The extent of the proposed vegetation removal and its likely effect on the stability of the site, particularly along streamlines or in erosion prone areas.
- The effect of retaining the treeline on agricultural pursuits and whether there is any reasonable alternative means of managing the land or siting buildings and works in order to conserve the vegetation of the area and better meet the objectives of this schedule.
- The extent to which the removal of vegetation is necessary to achieve proper fire management.
- The benefit of conditions requiring replanting.
- The need for replacement vegetation to be of an appropriate species having regard to the link between the species and the cultural landscape values of the treeline, the need to exclude environmental weeds and the proximity of the site to bushland areas. Where a treeline is near to bushland area it is necessary to consider the potential for invasion of bushland by introduced species and the possibility of replacing introduced species with native species of a similar form.
- The comments of any relevant coastal management, fire prevention, catchment protection, land management or soil conservation authority.

## MORNINGTON PENINSULA PLANNING SCHEME

## 42.03

31/07/2018  
VC148

## SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify significant landscapes.

To conserve and enhance the character of significant landscapes.

## 42.03-1

31/07/2018  
VC148

## Landscape character and objectives

A schedule to this overlay must contain:

- A statement of the nature and key elements of the landscape.
- The landscape character objectives to be achieved.

## 42.03-2

14/12/2023  
VC253

## Permit requirement

A permit is required to:

- Construct a building or constructor carry out works. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - To the conduct of agricultural activities including ploughing and fencing (but not the construction of dams) unless a specific requirement for that activity is specified in a schedule to this overlay
- Construct a fence if specified in the schedule to this overlay
- Remove, destroy or lop any vegetation specified in a schedule to this overlay. This does not apply:
  - If the table to Clause 42.03-3 specifically states that a permit is not required.
  - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a fence.	Clause 59.05
Remove, destroy or lop one tree provided:	Clause 59.06
<ul style="list-style-type: none"> <li>▪ A permit has not been granted for a VicSmart application to remove, destroy or lop a tree on the same land within the last 12 months.</li> <li>▪ There is no other current VicSmart application to remove, destroy or lop a tree on the same land.</li> </ul>	
Construct a building or construct or carry out works for:	Clause 59.05
<ul style="list-style-type: none"> <li>▪ A carport, garage, pergola, verandah, deck, shed or similar structure.</li> <li>▪ A rainwater tank.</li> </ul>	

## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
The buildings and works must be associated with a dwelling.	
Construct a building or construct or carry out works for a small second dwelling.	Clause 59.05

42.03-3

16/08/2024  
VC262

## Table of exemptions

The requirement to obtain a permit does not apply to:	
Emergency works	<p>Vegetation that is to be removed, destroyed or lopped:</p> <ul style="list-style-type: none"> <li>in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or</li> <li>where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</li> </ul>
Extractive industry	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.</p>
Fire protection	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</p> <ul style="list-style-type: none"> <li>fire fighting;</li> <li>planned burning;</li> <li>making or maintaining of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</li> <li>making of strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</li> <li>is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</li> <li>in accordance with a fire prevention notice issued under either: <ul style="list-style-type: none"> <li>section 87 of the Fire Rescue Victoria Act 1958;</li> <li>section 65 of the Forests Act 1958; or</li> <li>section 41 of the Country Fire Authority Act 1958.</li> </ul> </li> <li>keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;</li> <li>minimising the risk to life and property from bushfire of a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.</li> </ul> <p>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</p>
Geothermal energy exploration and extraction	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with operation plan approved under the Geothermal Energy Resources Act 2005.</p>

## MORNINGTON PENINSULA PLANNING SCHEME

## The requirement to obtain a permit does not apply to:

Greenhouse gas sequestration and exploration	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008.
Land management or directions notice	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994.
Land use conditions	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994.
Mineral exploration and extraction	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the Mineral Resources (Sustainable Development) Act 1990:</p> <ul style="list-style-type: none"> <li>that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</li> <li>in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</li> </ul> <p>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</p>
Noxious weeds	Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder ( <i>Cuscuta australis</i> ).
Pest animal burrows	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows.</p> <p>In the case of native vegetation the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped.</p>
Planted vegetation	Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.
Railways	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).
Regrowth	<p>Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is</p> <ul style="list-style-type: none"> <li>bracken (<i>Pteridium esculentum</i>); or</li> <li>within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.</li> </ul> <p>This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</p>
Road safety	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with written agreement of the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).
Stone exploration	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</p> <p>The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> <li>1 hectare of vegetation which does not include a tree.</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

	<ul style="list-style-type: none"> <li>15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</li> <li>5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</li> </ul> <p>This exemption does not apply to costeaning and bulk sampling activities.</p>
Surveying	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.
Traditional owners	Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with: <ul style="list-style-type: none"> <li>a natural resources agreement under Part 6 of the Traditional Owners Settlement Act 2010; or</li> <li>an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional owners Settlement Amendment Act in 2016 (1 May 2017).</li> </ul>
Tram stops	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.
Transport land	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure.

## 42.03-4

31/07/2018  
VC148

## Application requirements

An application must be accompanied by any information specified in a schedule to this overlay

## 42.03-5

31/07/2018  
VC148

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay
- The conservation and enhancement of the landscape values of the area.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property
- The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.
- The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.
- The impact of buildings and works on significant views.
- Any other matters specified in a schedule to this overlay

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO1.

## RIDGE AND ESCARPMENT AREAS

## 1.0

22/07/2021  
C255morn

## Statement of nature and key elements of landscape

Ridge and escarpment areas have been identified as key landscape features providing landmarks that are visually prominent and acting as scenic vantage points, enabling views of extensive coastal and rural landscapes. Ridge areas and escarpments also often retain substantial vegetation cover, which adds to the variety of the landscape.

The distinctive landscapes of the Peninsula have been shaped by geomorphological processes and features. These include the Selwyn and Tyabb Faults, the multiple smaller faults of the central and southern Peninsula and the basal intrusion of Arthur's Seat and Mt Martha. In this context the landforms of the Peninsula are culturally significant both in terms of the visual "sense of place" and in promoting an understanding of the natural processes. The high visual exposure of ridge and escarpment areas makes them particularly susceptible to visual intrusion from inappropriate development.

## 2.0

22/07/2021  
C255morn

## Landscape character objectives to be achieved

To protect and enhance the visual, natural and cultural heritage values of ridge and escarpment landscapes.

To maintain the natural skyline of ridge and escarpment areas and avoid obtrusive building silhouettes.

To avoid the construction of any buildings within 10 metres of a ridge area, unless no alternative site is available on the land.

To protect ridge and escarpment landscapes from visual intrusion resulting from inappropriate buildings and works, and their siting, design and materials.

To encourage siting, design and landscaping of buildings and works that is responsive to the landscape values of ridge and escarpment areas.

To maintain vegetation as an important element of ridge and escarpment landscapes.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- The floor area of any building does not exceed 40 square metres.
- Any building or other structure does not exceed a height of 6 metres above natural ground level.
- Any building or other structure is setback more than 20 metres from the ridge line and its highest point does not protrude above the ridge line.
- All external cladding of buildings and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent LRV or less) or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- Any stock loading facility is setback more than 10 metres from a road frontage.

A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.



## MORNINGTON PENINSULA PLANNING SCHEME

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority.
- The protection and appropriate enhancement of the landscape, having regard to:
  - Protecting landscape areas and vantage points of high quality.
  - Maintaining visual sequence along access routes.
  - The conservation of significant areas of natural vegetation and significant stands of trees in ridge areas and on escarpments.
  - The control of the density of buildings and subdivision in areas of scenic value.
- Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the ridge and escarpment landscape and scenic views.
- Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the ridge and escarpment landscape.
- The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule having regard to the size and topography of the land and the form and nature of the proposed buildings and works.
- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.
- Whether it is reasonable and practical to maintain a setback of 10 metres from a ridge area having regard to the size and topography of the land and the form and nature of proposed buildings and works.
- The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.
- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines.
- The containment of extractive industries to ensure that development and subsequent reclamation are carried out without significant detriment to the recreational and scenic value of the surrounding area.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 2 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme maps as SLO2.

## COASTAL LANDSCAPE

## 1.0

22/07/2021  
C255morn

## Statement of nature and key elements of landscape

Coastlines and coastal hinterland areas have been identified as key landscape features. These areas have an open rural character and are often cleared with a history of broadscale grazing. They act as a landscape foreground to coastlines and seascapes, with transitional areas ranging from extensive dune and beach areas to abrupt high basalt and limestone cliffs. The open landscape character makes these areas susceptible to visual intrusion from inappropriate development and the use of landscaping to screen buildings and works must be balanced with maintaining extensive viewlines.

## 2.0

22/07/2021  
C255morn

## Landscape character objectives to be achieved

To protect and enhance the visual, natural and cultural heritage values of coastal landscapes.

To protect coastal landscapes from visual intrusion resulting from the inappropriate siting, design or materials of buildings and works, including infrastructure service lines.

To encourage siting, design and landscaping of buildings and works that is responsive to the coastal landscape character.

To maintain vegetation as an important element of coastal landscapes.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- The floor area of any building does not exceed 40 square metres.
- Any building or other structure does not exceed a height of 6 metres above natural ground level.
- Any building or other structure is setback more than 20 metres from the ridge line and its highest point does not protrude above the ridge line.
- All external cladding of buildings and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent LRV or less) or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- Any stock loading facility is setback more than 10 metres from a road frontage.

A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority.

## MORNINGTON PENINSULA PLANNING SCHEME

- The protection and appropriate enhancement of the landscape having regard to:
  - Protecting landscape areas and vantage points of high quality.
  - Maintaining visual sequence along access routes.
  - The conservation of significant areas of natural vegetation and significant stands of trees in coastal landscapes.
  - The control of the density of buildings and subdivision in areas of scenic value.
- Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the coastal landscape and scenic views.
- Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the coastal landscape.
- The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule having regard to the size and topography of the land and the form and nature of the proposed buildings and works.
- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.
- The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.
- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas of the coastal hinterland.
- The Victorian Coastal Strategy Siting and Design Guidelines for Structures on the Victorian Coast (May 1998) and Landscape Setting Types for the Victorian Coast (May 1998)

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO3.

## SCENIC ROADS

## 1.0

22/07/2021  
C255morn

## Statement of nature and key elements of landscape

Scenic roads have been identified as key landscape features. Scenic drives on the Mornington Peninsula are a major recreational resource and development adjacent to scenic roads may substantially effect the perception of landscape quality and the associated recreational value.

## 2.0

22/07/2021  
C255morn

## Landscape character objectives to be achieved

To ensure that the scenic and recreational value of scenic routes throughout the Peninsula is not compromised by the inappropriate siting and design of buildings.

To maintain the asset of a varied network of scenic roads, featuring roadside vegetation and having regard to construction standards appropriate to the function of each road.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- The floor area of any building does not exceed 40 square metres.
- Any building or other structure does not exceed a height of 6 metres above natural ground level.
- Any building or other structure is setback more than 20 metres from the ridge line and its highest point does not protrude above the ridge line.
- All external cladding of buildings and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent LRV or less) or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- Any stock loading facility is setback more than 10 metres from a road frontage.

A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority.
- The protection and appropriate enhancement of the landscape having regard to:
  - Protecting landscape areas and vantage points of high quality.
  - Maintaining visual sequence along access routes.

## MORNINGTON PENINSULA PLANNING SCHEME

- The conservation of significant areas of natural vegetation and significant stands of trees along scenic roads and on adjoining land.
- The control of the density of buildings and subdivision in areas of scenic value.
- Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the landscape and scenic views.
- Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the landscape.
- The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule having regard to the size and topography of the land and the form and nature of the proposed buildings and works.
- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.
- The benefit of permit conditions requiring all building material to be non-reflective and of colours which are complementary to those of natural landscape.
- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 4 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO4.

## SCENIC RECREATION SITES

## 1.0

22/07/2021  
C255morn

## Statement of nature and key elements of landscape

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, any substantial effect on the perception of landscape quality.

## 2.0

22/07/2021  
C255morn

## Landscape character objectives to be achieved

To protect scenic recreation sites from visual intrusion resulting from the inappropriate siting or design of buildings and works.

To encourage the siting, design and landscaping of buildings and works which is responsive to the recreational value and landscape environment of scenic recreation sites.

To maintain vegetation as an important element in the value of scenic recreation sites.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- The floor area of any building does not exceed 40 square metres.
- Any building or other structure does not exceed a height of 6 metres above natural ground level.
- Any building or other structure is setback more than 20 metres from the ridge line and its highest point does not protrude above the ridge line.
- All external cladding of buildings and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 percent LRV or less) or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 percent, the colour of the external cladding and roof matches that of the existing building.
- Any stock loading facility is setback more than 10 metres from a road frontage.

A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the protection and appropriate enhancement of the landscape having regard to:
  - Protecting landscape areas and vantage points of high quality.
  - Maintaining visual sequence along access routes.

## MORNINGTON PENINSULA PLANNING SCHEME

- The conservation of significant areas of natural vegetation and significant stands of trees within scenic recreation sites and on adjoining land and roadways.
- The control of the density of buildings and subdivision in areas of scenic value.
- Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the landscape and scenic views.
- Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the landscape.
- The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule having regard to the size and topography of the land and the form and nature of the proposed buildings and works.
- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.
- The benefit of permit conditions requiring all building material to be non-reflective and of colours which are complementary to those of natural landscape.
- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 5 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO5.

## SCENIC VANTAGE POINTS

## 1.0

22/07/2021  
C255morn

## Statement of nature and key elements of landscape

Scenic vantage points have been identified as key landscape features. Development within these areas may substantially effect the perception of landscape quality unless it is carefully sited and designed.

Background document A Landscape Assessment of the Southern Mornington Peninsula, Victoria, 1974.

## 2.0

22/07/2021  
C255morn

## Landscape character objectives to be achieved

To protect scenic vantage points from visual intrusion resulting from the inappropriate siting or design of buildings and works.

To encourage the siting, design and landscaping of buildings and works which is responsive to the landscape value of scenic vantage points.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- The floor area of any building does not exceed 40 square metres.
- Any building or other structure does not exceed a height of 6 metres above natural ground level.
- Any building or other structure is setback more than 20 metres from the ridge line and its highest point does not protrude above the ridge line.
- All external cladding of buildings and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 percent LRV or less) or, where the building is an extension to an existing building and the existing floor areas not being increased by more than 25 percent, the colour of the external cladding and roof matches that of the existing building.
- Any stock loading facility is setback more than 10 metres from a road frontage.

A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority.
- The protection and appropriate enhancement of the landscape having regard to:
  - Protecting landscape areas and vantage points of high quality.



## MORNINGTON PENINSULA PLANNING SCHEME

- Maintaining visual sequence along access routes.
- The conservation of significant areas of natural vegetation and significant stands of trees along scenic roads and on adjoining land.
- The control of the density of buildings and subdivision in areas of scenic value.
- Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the landscape and scenic views.
- Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the landscape.
- The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule having regard to the size and topography of the land and the form and nature of the proposed buildings and works.
- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.
- The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.
- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 6 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO6.

## NATIONAL TRUST CLASSIFIED LANDSCAPES

## 1.0

22/07/2021  
C255morn

## Statement of nature and key elements of landscape

National Trust classified landscapes have been identified as key landscape features. The National Trust classification combines the immediate visual values of the landscape with an assessment of cultural heritage significance. Development within these areas may substantially effect the perception of landscape quality unless it is carefully sited and designed.

## 2.0

22/07/2021  
C255morn

## Landscape character objectives to be achieved

To protect and enhance the visual, natural and cultural heritage values of classified landscapes.

To protect classified landscapes from visual intrusion resulting from the inappropriate siting, design or materials of buildings and works.

To encourage siting, design and landscaping of buildings and works which is responsive to the landscape values of classified landscapes.

To maintain vegetation as an important element of classified landscapes.

## 3.0

22/07/2021  
C255morn

## Permit requirement

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- The floor area of any building does not exceed 40 square metres.
- Any building or other structure does not exceed a height of 6 metres above natural ground level.
- Any building or other structure is setback more than 20 metres from the ridge line and its highest point does not protrude above the ridge line.
- All external cladding of buildings and structures including roofing, which is visible from any other property or roadway is painted or finished in low reflective (40 per cent LRV or less) or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25 per cent, the colour of the external cladding and roof matches that of the existing building.
- Any stock loading facility is setback more than 10 metres from a road frontage.

A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.

## 4.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 5.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority.

## MORNINGTON PENINSULA PLANNING SCHEME

- The comments of the National Trust where proposals may significantly effect the classified landscape.
- The protection and appropriate enhancement of the landscape having regard to:
  - Protecting landscape areas and vantage points of high quality.
  - Maintaining visual sequence along access routes.
  - The conservation of significant areas of natural vegetation and significant stands of trees along scenic roads and on adjoining land.
  - The control of the density of buildings and subdivision in areas of scenic value.
- Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the classified landscape.
- Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the landscape.
- The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule having regard to the size and topography of the land and the form and nature of the proposed buildings and works.
- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.
- The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.
- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas.

MORNINGTON PENINSULA PLANNING SCHEME

43

19/01/2006  
VC37

HERITAGE AND BUILT FORM OVERLAYS

## MORNINGTON PENINSULA PLANNING SCHEME

## 43.01

31/07/2018  
VC148

## HERITAGE OVERLAY

Shown on the planning scheme map as HO with a number (if shown).

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

## Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

## 43.01-1

14/12/2023  
VC253

## Permit requirement

A permit is required to:

- Subdivide land.
- Demolish or remove a building.
- Construct a building or for a constructor to carry out works, including:
  - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
  - A solar energy system attached to a building that primarily services the land on which it is situated if the system is visible from a street (other than a lane) or public park and if the schedule to this overlay specifies the heritage place as one where solar energy system controls apply.
  - A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
  - A fence, if the fence is visible from a street (other than a lane) or public park.
  - Road works which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.
  - Buildings or works associated with a railway, railway station or tramway constructed or carried out by or on behalf of the Head, Transport for Victoria.
  - Street furniture other than:
    - Traffic signals, traffic signs, bus shelters, fire hydrants, parking meters, post boxes and seating.
    - Speed humps, pedestrian refuges and splitter islands.
  - A domestic swimming pool or spa and associated mechanical and safety equipment if the swimming pool or spa and associated equipment are visible from a street (other than a lane) or public park.
  - A pergola or veranda including an open-sided pergola or veranda to a dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of 3 metres above ground level.

## MORNINGTON PENINSULA PLANNING SCHEME

- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park
- Non-domestic disabled access, excluding a non-domestic disabled access ramp if the ramp is not visible from a street (other than a lane) or public park.
- An electric vehicle charging station if the charging station is visible from a street (other than a lane) or public park.
- Services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park.
- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.
- Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.
- Externally paint a building if the painting constitutes an advertisement.
- Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply.
- Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.
- Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998
  - If the tree presents an immediate risk of personal injury or damage to property

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
<ul style="list-style-type: none"> <li>▪ Subdivide land to realign the common boundary between 2 lots where the area of either lot is reduced by less than 15 percent and the general direction of the common boundary does not change.</li> <li>▪ Subdivide land into lots each containing an existing building or car parking space where:               <ul style="list-style-type: none"> <li>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul> </li> </ul>	Clause 59.07

## MORNINGTON PENINSULA PLANNING SCHEME

## Class of application

Information  
requirements  
and decision  
guidelines

- Subdivide land into 2 lots if:
  - The construction of a building or the construction or carrying out of works on the land is approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - The construction or carrying out of the approved building or works on the land has started lawfully.
  - The subdivision does not create a vacant lot.
- Demolish or remove an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is specified in the schedule to the Heritage Overlay.
- Demolish or remove a fence unless the fence is specified in the schedule to the Heritage Overlay.
- Externally alter a non-contributory building.
- External painting.
- Construct a fence.
- Construct a carport, garage, pergola, verandah, deck, shed or similar structure.
- Construct and install domestic services normal to a dwelling.
- Construct and install a non-domestic disabled access ramp.
- Construct a vehicle cross-over.
- Construct a domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- Construct a rainwater tank.
- Construct or display a sign.
- Lop a tree.
- Construct or install a solar energy system attached to a dwelling or small second dwelling.
- Construct and install an electric vehicle charging station.
- Construct and install services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

43.01-2

21/11/2017  
VC141

## Places in the Victorian Heritage Register

A heritage place which is included in the Victorian Heritage Register is subject to the requirements of the Heritage Act 2017.

## Permit requirement

A permit is required under this overlay to subdivide a heritage place which is included in the Victorian Heritage Register. This includes the subdivision or consolidation of land including any building or airspace.

## MORNINGTON PENINSULA PLANNING SCHEME

## Referral of applications

An application to subdivide a heritage place which is included in the Victorian Heritage Register must be referred to the relevant referral authority under Section 55 of the Act in accordance with Clause 66 of this scheme.

## 43.01-3

14/12/2023  
VC253

## No permit required

No permit is required under this overlay:

- For anything done in accordance with an incorporated plan specified in a schedule to this overlay
- To internally alter a church for liturgical purposes if the responsible authority is satisfied that the alterations are required for liturgical purposes.
- For interments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the Cemeteries and Crematoria Act 2003
- To develop a heritage place which is included in the Victorian Heritage Register other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register
- To construct a building or constructor carry out works for a small second dwelling if all the following requirements are met:
  - The building height must not exceed 5 metres.
  - The building must be finished using muted tones and colours.

## 43.01-4

14/12/2023  
VC253

## Exemption from notice and review

An application under this overlay for any of the following classes of developments exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- Demolition or removal of an outbuilding (including a carport, garage, pergola, veranda, deck, shed or similar structure) unless the outbuilding is specified in the schedule to this overlay
- Demolition or removal of a fence unless the fence is specified in the schedule to this overlay
- External alteration of a building.
- External painting.
- Construction of a fence.
- Construction of a carport, garage, pergola, veranda, deck, shed or similar structure.
- Domestic services normal to a dwelling.
- Carry out works, repairs and routine maintenance.
- Internally alter a building.
- Non-domestic disabled access ramp.
- Construction of a vehicle cross-over
- Construction of a domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- Construction of a tennis court.
- Construction of a rainwater tank.
- Construction or display of a sign.
- Lopping of a tree.



## MORNINGTON PENINSULA PLANNING SCHEME

- Construction of seating picnic tables, drinking taps, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure bollards, telephone boxes.
- Roadworks.
- An electric vehicle charging station.
- Services normal to a building other than a dwelling or a small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, down pipes, window shading devices, or similar.

## 43.01-5

24/01/2020  
VC160

## Statements of significance

The schedule to this overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148. This does not apply to:

- A heritage place included in the schedule to this overlay by an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after the commencement of Amendment VC148.
- A registered heritage place included in the Victorian Heritage Register established under Part 3 of the Heritage Act 2017.
- A heritage place included in the schedule to this overlay on an interim basis.

## 43.01-6

31/07/2018  
VC148

## Heritage design guidelines

The schedule to this overlay may specify heritage design guidelines for any heritage place included in the schedule. A heritage design guideline must not contain any mandatory requirements.

## 43.01-7

31/07/2018  
VC148

## Application requirements

An application must be accompanied by any information specified in the schedule to this overlay

## 43.01-8

24/01/2020  
VC160

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guidelines specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.

## MORNINGTON PENINSULA PLANNING SCHEME

- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.

43.01-9

31/07/2018  
VC148

## Use of a heritage place

A permit may be granted to use a heritage place (including a heritage place which is included in the Victorian Heritage Register) for a use which would otherwise be prohibited if all of the following apply:

- The schedule to this overlay specifies the heritage place as one where prohibited uses may be permitted.
- The use will not adversely affect the significance of the heritage place.
- The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider the effect of the use on the amenity of the area.

43.01-10

31/07/2018  
VC148

## Aboriginal heritage places

A heritage place specified in the schedule to this overlay as an Aboriginal heritage place is also subject to the requirements of the Aboriginal Heritage Act 2006

## MORNINGTON PENINSULA PLANNING SCHEME

21/03/2019  
C251morn

## SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

## 1.0

22/07/2021  
C279morn

## Application requirements

The following application requirements apply to an application under Clause 43.01, in addition to those specified elsewhere in the planning scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- A heritage impact assessment prepared by a suitably qualified heritage consultant which assesses the impact of the application upon the significance of the heritage place. The assessment should:
  - Describe the significant elements of the place, having regard to the relevant citation and how these have been considered in the preparation of the application.
  - Include supporting documentation such as measured drawings and photographs as necessary
  - Assess if the application includes demolition, whether the fabric is significant and, if so, provide justification for why it is to be removed.
  - Assess how the application will affect the significance of the heritage place.
  - Identify and assess any fabric of heritage significance which has not been specifically identified by an existing heritage study
- A heritage management plan prepared in accordance with the Burra Charter
- A structural report, prepared by a suitably qualified structural engineer with experience in heritage places, that assesses the structural condition of a heritage place and whether any defects can be repaired or mitigated.
- An archaeological survey and assessment prepared by a suitably qualified professional which assesses the impact of an application upon potential archaeological deposits on the site.
- A landscaping plan, prepared by a suitably qualified professional which demonstrates how landscaping will respond to the landscape character and setting of the heritage place.
- For removal of trees or plantings a report by a suitably qualified arborist with experience in assessing the cultural significance of historic plantings, which assesses the significance and condition of plantings including alternatives to removal.

## 2.0

27/06/2024  
C306morn

## Heritage places

The requirements of this overlay apply to both the heritage place and its associated land.

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO401	Peninsula Heights Residential Estate 757, 759, 765, 767 & 777 Arthurs Seat Road, Arthurs Seat 26 Steane Avenue, Arthurs Seat Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	yes	no	no	-	no	yes	no	no
HO3	Arthurs and Gardens of the Moon 774-790 Arthurs Seat Road, Arthurs Seat	yes	no	yes	Yes	no	no	no	no
HO4	Arthurs Seat Reserve and Tower 801 Arthurs Seat Road, Arthurs Seat	yes	no	yes	Yes	no	no	no	no
HO402	Dromana Cemetery 1065 Arthurs Seat Road, Arthurs Seat Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO403	Hájek House 40 Nestle Court, Arthurs Seat Statement of significance: 40 Nestle Court, Arthurs Seat Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO260	St Mark's Anglican Church & Hall, Trees 1 Balnarring Road, Balnarring  The church, and hall, with associated fabric from the early 20th century such as the fence, hedge and Monterey cypress and pine specimens.	yes	no	yes	Yes	no	no	yes	no
HO13	Hazel Grove 101 Balnarring Road, Balnarring  The title land and house, as described, plus any associated fabric and trees from the 19th century and the Hurley tenure.	yes	no	yes	Yes	no	no	yes	no
HO271	Balnarring Racecourse & Emu Plains Recreation Reserve 58 Coolart Road, Balnarring  The racecourse reserve, track and mature indigenous vegetation, with emphasis on fabric from the main development period (19th century)	no	no	yes	Yes	no	no	yes	no
HO231	Chicory Kiln 3 Stanleys Road, Balnarring  The oast house and land within nominally 5m of its perimeter, with emphasis on the fabric from early in the 20th century.	yes	no	no	Yes	no	no	yes	no
HO247	Warrawee Homestead Warrawee Road, Balnarring	yes	no	yes	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO261	Harley Davidson Clubrooms 144-146 Balnarring Beach Road, Balnarring Beach  The building and the title land, with associated fabric from the 1920's such as the front wire fence, cypress hedge and Monterey pine specimens	yes	no	no	Yes	no	no	yes	no
HO265	Cork Oak & Stone Pine 61, 65 Bayview Road, Balnarring Beach  The trees and land within 5m of their canopy edge or root ball whichever is the larger.	no	no	yes	Yes	no	no	no	no
HO92	Hansens Lane Beach House Precinct Hansens Lane, Balnarring Beach  The cited properties and all land within their titles and contiguous to them, with emphasis on the fabric from or near their construction dates (1920's-30's) and mature trees (two Canary Island palms, Norfolk Island pine, Moreton Bay fig, indigenous trees.	no	No	yes	Yes	no	no	no	no
HO263	Westoaks, Farm House & Garden 154 Baxter-Tooradin Road, Baxter  The house, cited trees and the title land, with any associated fabric or trees from or near the construction dates, late Victorian era and early 20th century.	yes	no	yes	Yes	no	no	yes	No

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO264	Former Baxter Presbyterian Church & Hall 205 Baxter-Tooradin Road, Baxter The cited buildings and titled land, with any associated fabric or trees from or near the construction dates (early 20th century)	no	no	no	Yes	no	no	yes	No
HO225	Sages Cottage (Eurutta) 85 Sages Road, Baxter	-	-	-	-	-	yes Ref No H302	no	no
HO324	Jack's Tanning Pit Off Woolleys Road, Bittern The pit and land nominally within 5m of its perimeter, with emphasis on the fabric from or near the construction date.	no	no	no	Yes	no	no	no	no
HO469	Longford Cottage 1 Brooke Crescent, Blairgowrie Statement of significance: 1 Brooke Crescent, Blairgowrie Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no
HO466	Woodlands 12 Derrick Street, Blairgowrie Statement of significance: 12 Derrick Street, Blairgowrie Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO90	Cottage 25 Godfrey Street, Blairgowrie	yes	no	yes	Yes	no	no	no	no
HO219	Roseville 36-44 Roseville Avenue, Blairgowrie	yes	no	yes	Yes	no	no	no	no
HO229	Blairgowrie House 17-23 Scott Wynd, Blairgowrie	-	-	-	-	-	yes Ref No H292	no	no
HO467	House 15 The Loop, Blairgowrie Statement of significance: 15 The Loop, Blairgowrie Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO468	Paterson House (former) 4 Tallarook Street, Blairgowrie Statement of significance: 4 Tallarook Street, Blairgowrie Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no
HO29	Midway 298 Boneo Road, Boneo	yes	no	yes	Yes	no	no	no	no
HO28	Limestone Chimney and Tree 365 Boneo Road, Boneo	yes	no	yes	Yes	no	no	no	no
HO27	Glenlee	yes	no	yes	Yes	no	no	no	no



## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	490 Boneo Road, Boneo								
HO26	Maroolaba 895 Boneo Road, Cape Schanck	yes	no	yes	Yes	no	no	no	no
HO30	Braeside 1035 Boneo Road, Cape Schanck	yes	no	yes	Yes	no	no	no	no
HO40	Kelly's Cottage 35 Cape Schanck Road, Cape Schanck	yes	no	yes	Yes	no	no	no	no
HO39	Cape Schanck Lightstation 164-420 Cape Schanck Road, Cape Schanck	-	-	-	-	-	yes Ref No H1748	no	no
HO38	Barragunda 273-277 Cape Schanck Road, Cape Schanck	-	-	-	-	-	yes Ref No H615	no	no
HO446	Eastbourne Farmhouse and Dairy 19 William Crescent, Capel Sound Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	yes	no	no	no
HO447	Houses 1737 Point Nepean Road, Capel Sound 18 Woyna Avenue, Capel Sound	no	no	yes	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018								
HO274	Crib Point Public Cemetery 189 Disney Street, Crib Point  The original reserve and memorials with emphasis on those from an early date (19th and early 20th century)  Incorporated plan: Plan No. 2 Crib Point Public Cemetery, February 2005	no	no	no	Yes	no	no	no	no
HO318	Crib Point Residential and Civic Precinct Stony Point Road, Crib Point  The buildings and title land of the following, with emphasis on the fabric from or near the construction date, including:  House 261 Stony Point Road Crib Point House 263 Stony Point Road, Crib Point House 265 Stony Point Road, Crib Point House 269 Stony Point Road, Stony Point	no	no	no	Yes	no	no	no	no
HO319	Settlement Store, Shop & Residence 295 Stony Point Road, Crib Point	yes	no	no	Yes	no	no	yes	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	The buildings and title land, with emphasis on the fabric from or near the construction period (inter-war)								
HO240	Former BP Refinery Administration Building 220-350 The Esplanade, Crib Point	-	-	-	-	-	yes Ref No H1016	yes	no
HO322	Woolley's Cool Room, Woolley's Beach Off The Esplanade, Crib Point  The cellar and land within nominally 5m of its perimeter, with emphasis on the fabric from or near the construction date c1903, plus any related fabric such as the jetty and tramline remnants	no	no	no	Yes	no	no	no	no
HO6	McCraith House (Larrakeyeah) 1-3 Atunga Terrace, Dromana	-	-	-	-	-	yes Ref No H1906	no	no
HO404	Houses 4, 8, and 12 Atunga Terrace, Dromana  Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO405	Mounts Bay 51-53 Devon Street, Dromana  Statement of significance:	no	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018								
HO462	House 20 Grant Street, Dromana Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO94	Redmond Cottage 52 Heales Street, Dromana	yes	No	yes	Yes	no	no	no	no
HO113	Washington 17 Latrobe Parade, Dromana	yes	no	yes	Yes	no	no	no	no
HO114	Heronswood 105 Latrobe Parade, Dromana	-	-	-	-	-	yes Ref No H664	no	no
HO129	The Gums Cottage 1/9 McCulloch Street, Dromana	yes	no	yes	Yes	no	no	no	no
HO538	Omuna 4 McCulloch Street, Dromana Statement of significance:	no	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018								
HO540	Beauvoir 8 McCulloch Street, Dromana Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO539	The Oaks 30 McCulloch Street, Dromana Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	yes	Yes	no	no	no	no
HO407	Dromana Drive-In 133 Nepean Highway, Dromana	-	-	-	-	-	yes Ref No H2219	no	no
HO156	Mt Lavinia 195 Palmerston Avenue, Dromana	yes	no	yes	Yes	no	no	no	no
HO157	Former Methodist Manse 201 Palmerston Avenue, Dromana	yes	no	yes	Yes	no	no	no	no
HO158	Bayview Homestead	yes	no	yes	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	215-219 Palmerston Avenue, Dromana								
HO411	Tanderry 233 Palmerston Avenue, Dromana Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO412	Dromana Hotel 151-153 Point Nepean Road, Dromana Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO166	Dromana Cellars 199 Point Nepean Road, Dromana	yes	no	yes	Yes	no	no	no	no
HO167	St Mark's Church of England 273 Point Nepean Road, Dromana	yes	no	yes	Yes	no	no	no	no
HO168	The Nest, The Wilson Home (Piawola) 303-313 Point Nepean Road, Dromana	yes	no	yes	Yes	no	no	no	no
HO169	Lurnea (main shop and dwelling) 359 Point Nepean Road, Dromana	yes	no	yes	Yes	no	no	yes	no
HO170	Old Shire Offices	yes	no	yes	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	359A Point Nepean Road, Dromana								
HO413	A-Frame House 10 Seaview Street, Dromana Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO352	Former RSL Memorial Club Rooms (Also known as: Dromana Memorial Club Rooms, Soldiers Memorial, RSL, SeaScout, Girl Guide, and Staniforth Hall) The Esplanade, Dromana	yes	no	no	Yes	no	no	yes	no
HO461	Granite Sea Wall Anthony's Nose, Dromana Foreshore The extent of the granite walls and an area of land 2.0m on either side of the walls. Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO414	Tibarilla Farm 297 Browns Road, Fingal Statement of significance:	no	no	yes	Yes	no	no	no	no

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	Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018								
HO226	Hut 10 Sandy Road, Fingal	yes	no	yes	Yes	no	no	no	no
HO330	Flinders Foreshore Precinct Flinders	yes	no	yes	Yes	no	no	no	no
HO19	Bass Lodge 33 Bass Street, Flinders	yes	no	yes	Yes	no	no	no	no
HO20	Drik Drik 63 Bass Street, Flinders	yes	no	yes	Yes	no	no	no	no
HO21	St Andrew's Uniting Church 65-67 Bass Street, Flinders	yes	no	yes	Yes	no	no	no	no
HO333	Flinders Heritage Precinct, Including: Post Office, 51 Cook Street, Flinders; The Cobblers, 67 Cook Street, Flinders; House, 68 Cook Street, Flinders; Arleston (former Butcher's shop), 64 Cook Street, Flinders; Bakery and restaurant, 58-60 Cook Street, Flinders;	yes	no	yes	Yes	no	no	no	no



## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Shop, 52 Cook Street, Flinders; House (Post master residence), 49 Cook Street, Flinders; Flinders General Store, 46 Cook Street, Flinders; and, House, 15 Norman Street, Flinders.								
HO81	Flinders Telegraph Cable Complex and Pier The Esplanade, Flinders and Former Jetty Cargo Sheds Flinders Foreshore, Flinders	-	-	-	-	-	yes Ref No H2413 and yes Ref No H906	no	no
HO84	Tuck House 4404 Frankston-Flinders Road, Flinders	yes	no	yes	Yes	no	no	no	no
HO105	St John's Church and Hall King and Barker Streets, Flinders	yes	no	yes	Yes	no	no	no	no
HO106	Wilga 28 King Street, Flinders	yes	no	yes	Yes	no	no	no	no
HO107	Australind 60 King Street, Flinders	yes	no	yes	Yes	no	no	no	no
HO108	Pinnacle Park 92 King Street, Flinders	yes	no	yes	Yes	no	no	no	no

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO254	The Rest 6-12 Young Street, Flinders	yes	no	yes	Yes	no	no	no	no
HO270	Tyabb Public Cemetery 1 Cemetery Road, Hastings  The reserve, with memorials (with emphasis on 19th century fabric), unmarked graves, gates, shelter and planting (mature cordyline and native grasses, and Monterey pines)	no	no	yes	Yes	yes	no	no	no
HO360	Beilby Farm House 4 Creek Close, Hastings  The house with any associated fabric from or near the construction date (late Victorian era)	yes	no	no	Yes	no	no	yes	no
HO541	Braemar 39 Graydens Road, Hastings  Statement of significance: 39 Graydens Road, Hastings, Statement of Significance, December 2020	no	no	no	Yes	yes, timber-framed garage	no	no	no
HO292	Former Hastings Mechanics Institute 3 High Street, Hastings	yes	no	no	Yes	no	no	yes	no
HO293	Hastings State School 1098, Memorial Gateway, Trees  10 Hodgins Road, Hastings	yes	no	yes	Yes	yes	no	yes	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	The title land, cited mature trees (Canary Island palm, an 'Arbutus spec.', and a memorial oak) and building, with emphasis on the fabric from or near the main early development phases of 1872 and 1913								
HO299	Holy Trinity Anglican Church Complex 62 King Street, Hastings  The title land, buildings (church, hall, and bell tower), with emphasis on the fabric from or near the main development phases of the site, the late 19th century, 1930's and the 1960's.	no	yes	no	Yes	no	no	yes	no
HO142	Former Vicarage 64 King Street, Hastings	yes	no	no	Yes	no	no	yes	no
HO304	King Edward VII Coronation Tree Marine Parade, Hastings  The tree and land within 5m of its canopy or root ball perimeter whichever is the greater	no	no	yes	Yes	no	no	no	no
HO125	Hastings Soldiers Memorial Marine Parade, Hastings	yes	no	no	Yes	no	no	no	no
HO459	Hastings Uniting Church Chapel 121 Marine Parade, Hastings  Statement of significance:	yes	yes	no	Yes	no	no	no	no

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Hastings Uniting Church Chapel, 121 Marine Parade, Hastings, Statement of Significance 2018								
HO305	Hastings Fish Shed Off Marine Parade, Hastings The building and 5m from its perimeter	yes	no	no	Yes	no	no	yes	no
HO306	Hastings Jetty Off Marine Parade, Hastings The jetty and nominally 5m from its perimeter	no	no	no	Yes	no	no	yes	no
HO457	House 95 Salmon Street, Hastings Statement of significance: House, 95 Salmon Street, Hastings, Statement of Significance 2018	no	no	no	Yes	no	no	no	no
HO458	House 118 Salmon Street, Hastings Statement of significance: House, 118 Salmon Street Hastings, Statement of Significance, 2018	no	no	no	Yes	no	no	no	no
HO315	Fisherman's House 38 Skinner Street, Hastings	yes	no	no	Yes	yes	no	yes	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	The cited building and frontage land, with emphasis on the fabric from or near the construction era (19th century)								
HO416	House 5 Beverley Road, McCrae Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO42	McCrae Homestead 6-8 Charles Street and 11 Beverley Road, McCrae	-	-	-	-	-	Yes Ref No H1291	no	no
HO146	Tornvilla 14-16 Morris Road, McCrae	yes	no	yes	Yes	no	no	no	no
HO419	Residence 13 Outlook Road, McCrae Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO420	Elanora 591 Point Nepean Road, McCrae Statement of significance:	no	no	no	Yes	no	no	no	no

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018								
HO164	Lighthouse 650 Point Nepean Road, McCrae	-	-	-	-	-	yes Ref No H1516	no	no
HO163	House 13-15 Wattle Place, McCrae	yes	no	no	Yes	no	no	no	no
HO415	Main Ridge Oval Gates 431 Main Creek Road, Main Ridge Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	yes	Yes	no	no	no	no
HO12	House 166 Balnarring Road, Merricks	yes	no	yes	Yes	no	no	yes	No
HO285	Merricks General Store 3458 Frankston-Flinders Road, Merricks The title land and buildings, with emphasis on the fabric from the inter-war period and the Weston tenure. Incorporated plan: Plan No. 1 Merricks General Store, July 2004	yes	no	no	Yes	no	no	yes	no

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HO85	Minto Farm Complex, Farm Landscape and Stone Pine Row 3485 Frankston-Flinders Road, Merricks	yes	no	yes	Yes	no	no	no	no
HO286	Larnoo & Farm Landscape 3575 Frankston-Flinders Road, Merricks The title land and buildings, farm landscape, mature trees and buildings, with emphasis on the fabric from the 19th and early 20th century and the Cole Tenure	yes	yes	yes	Yes	yes	no	yes	no
HO287	Oast House 3630 Frankston-Flinders Road, Merricks The building and land within the title boundary nominally 10m from its perimeter, with emphasis on the fabric from or near the construction date and the Joyner tenure.	yes	No	no	Yes	no	no	yes	no
HO288	Kalimna Farm Complex and Farm Landscape Part of Lot 3 PS 741240V, 3649 Frankston-Flinders Road, Merricks	yes	No	no	Yes	no	no	yes	no
HO137	Koonoona 51 Merricks Road, Merricks	-	-	-	-	-	yes Ref No H695	no	no
HO262	Foxy's Hangout	no	no	yes	Yes	no	no	no	no

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	Balnarring Road, Merricks North The current median and planting.								
HO543	Fenton Hall 181 Bittern-Dromana Road, Merricks North Statement of Significance: Fenton Hall 181 Bittern-Dromana Road, Merricks North Statement of Significance, September 2022	no	no	no	yes	no	no	yes	no
HO266	Shand Orchard House, Trees 214 Bittern-Dromana Road, Merricks North The house, cited trees and the title land, with any associated fabric or trees from or near the construction period, being the early 20th century.	yes	no	yes	Yes	no	no	yes	no
HO267	Merricks North Orchard Group Precinct Bittern-Dromana Road, Merricks North The cited precinct components, land, buildings and mature exotic trees, with emphasis on fabric from pre 1939, particularly from the Edwardian era.	no	no	yes	Yes	no	no	yes	no
HO298	Newstead Complex, Trees 12 Kentucky Road, Merricks North	yes	no	yes	Yes	no	no	yes	no



## MORNINGTON PENINSULA PLANNING SCHEME

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	The buildings and title land with emphasis on the fabric from or near the main construction dates (late 19th century)								
HO307	The Elms Stone Pine Row 92 Merricks Road, Merricks North  The trees and land within 5m of their canopy or root ball perimeter whichever is the greater.	no	no	yes	Yes	no	no	no	no
HO310	The Barn, Merricks North Cool Store 51 Old Bittern-Dromana Road, Merricks North  The building and title land, with associated fabric from or near the construction date (being the 1940's)	no	no	no	Yes	yes	no	yes	no
HO244	Goldmining Site Tubbarubba and Bulldog Creek Roads, Merricks North  The banks and associated gullies of both Bulldog and Tubbarubba Creeks west of Tubbarubba Road within nominally 10m of the centre line of the creek plus all mining workings in CA7A, Parish of Balnarring (as mapped on the Keble 1928 plan).	no	no	yes	Yes	no	no	no	no
HO300	Mundowie, Trees 71 Loders Road, Moorooduc	yes	no	yes	Yes	yes	no	yes	no

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	The title land, mature trees (mature Monterey cypress rows, a nut tree and a mature flowering gum) and buildings, with emphasis on the fabric from or near the main early development phase, the 1920's.								
HO139	Two Bays Orchard Packing Sheds 475 Moorooduc Highway, Moorooduc	yes	no	yes	Yes	no	no	no	no
HO141	Church and School 905 Moorooduc Highway, Moorooduc	yes	no	yes	Yes	no	no	no	no
HO351	Spring Farm 245 Mornington-Tyabb Road, Moorooduc	yes	no	yes	Yes	no	no	yes	no
HO2	Church of England Hall 2 Albert Street, Mornington	yes	no	yes	Yes	no	no	no	no
HO218	House Part 8 Albert Street, Mornington	yes	no	yes	Yes	no	no	yes	no
HO328	House Lot 1, PS 524211Q Albert Street, Mornington	yes	no	no	Yes	no	no	no	no
HO375	Balei – Gadja, House and Trees 35-37 Barkly Street, Mornington	yes	no	yes	Yes	no	no	no	no
HO15	Former St Andrew's Presbyterian Church 53 Barkly Street, Mornington	yes	no	yes	Yes	no	no	no	no

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HO16	Glenbank 107-109 Barkly Street, Mornington	yes	no	yes	Yes	no	no	no	no
HO17	Soldiers Memorial Monument Barkly/Empire Streets, Mornington	yes	no	no	Yes	no	no	no	no
HO22	House and Garden 22 Bath Street, Mornington	yes	no	yes	Yes	no	no	no	no
HO377	Mossgiel, House, Trees and Rear Outbuilding 28 Bath Street, Mornington	yes	no	yes	Yes	yes	no	no	no
HO381	House 4 Caldwell Street, Mornington	yes	no	no	Yes	no	no	no	no
HO380	House 10 Caldwell Street, Mornington	yes	no	no	Yes	no	no	no	no
HO41	Boyle House 6 Channel Street, Mornington	yes	no	yes	Yes	no	no	no	no
HO48	House 6 Craigrossie Road, Mornington	yes	no	yes	Yes	no	no	no	no
HO49	Farm (was Tanti Farm) 5 Currawong Street, Mornington	yes	no	yes	Yes	no	no	no	no
HO362	St Macartan's Catholic Church and Presbytery (part)	yes	no	no	Yes	no	no	no	no

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	6 Drake Street, Mornington								
HO366	Oak Hill (former Park Hill) Homestead, stables, Oak tree, Cypress wind breaks 350 Dunns Road, Mornington (part)	yes	no	yes	Yes	no	no	no	no
HO356	Fountain adjacent to 2B Empire Street, Mornington	yes	no	no	Yes	no	no	no	no
HO55	Mornington Public Park Esplanade, Mornington	yes	no	yes	Yes	no	no	no	no
HO58	Bird Rock Historic Site Off Esplanade, Mornington	yes	no	no	Yes	no	no	no	no
HO59	Football Disaster Memorial Off Esplanade, Mornington	yes	no	no	Yes	no	no	no	no
HO83	Fossil Beach Cement Works Off Esplanade, Mornington	-	-	-	-	-	yes Ref No H1929	no	no
HO56	Hutchins Fish Shed Off Esplanade, Mornington	yes	no	no	Yes	no	no	no	no
HO346	Japanese Tea House 675 Esplanade, Mornington	-	-	-	-	-	yes Ref No H2203	yes	no
HO66	Marina	yes	no	yes	Yes	no	no	no	no

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	678 Esplanade, Mornington								
HO67	Dunmoven 737 Esplanade, Mornington	yes	no	yes	Yes	no	no	no	no
HO68	Bella Vista (house and stable) 740-742 Esplanade, Mornington	yes	no	yes	Yes	no	no	no	no
HO69	Clyde Villa 750-751 Esplanade, Mornington	yes	no	yes	Yes	no	no	no	no
HO70	Caversham Court Flats 761-763 Esplanade, Mornington	yes	no	yes	Yes	no	no	no	no
HO71	Royal Hotel (Schnapper Point Hotel) 770-773 Esplanade, Mornington	yes	no	yes	Yes	no	no	no	no
HO74	Mulberry 797 Esplanade, Mornington	yes	no	yes	Yes	no	no	no	no
HO75	The Moorings (house and garden) 798 Esplanade, Mornington	yes	no	yes	Yes	no	no	no	no
HO340	Roseneath 818, Esplanade, Mornington	yes	no	no	Yes	no	no	no	no
HO76	Combe Martin 819-820 Esplanade, Mornington	-	-	-	-	-	yes Ref No H1900	no	no

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO382	House 824 Esplanade, Mornington	yes	no	no	Yes	no	no	no	no
HO77	Brixham-on-Sea 832 Esplanade, Mornington	yes	no	yes	Yes	no	no	no	no
HO78	House and Garden 843 Esplanade, Mornington	yes	no	yes	Yes	no	no	no	no
HO79	Dhurrunga 844 Esplanade, Mornington	yes	no	yes	Yes	no	no	no	no
HO86	House 2 Frontage Way, Mornington	yes	no	yes	Yes	no	no	no	no
HO87	Southdene 7 Frontage Way, Mornington	yes	no	yes	Yes	no	no	no	no
HO384	House 35 Hampden Street, Mornington	yes	no	no	Yes	no	no	no	no
HO386	Maison la Plage, House, ti-tree 23A Herbert St, Mornington	yes	no	yes	Yes	no	no	no	no
HO387	Beach Grove (town houses, courtyard fences and overall landscaping design) 6-11/8 Johns Road, Mornington and 1-5/107 Prince Street, Mornington	yes	no	yes	Yes	yes (courtyard fences)	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO329	Mornington Main Street and Esplanade Civic Precinct, includes: Former State Savings Bank, 787 Esplanade, Mornington Former Mornington Post Office, 789 Esplanade, Mornington Former Mechanics Institute, Part 2 Queen Street, Mornington Schnapper Point Court House and Gaol, 2-4 Main Street, Mornington St Peter's Vicarage, 1 Ross Street, Mornington	yes	no	yes	Yes	no	no	no	no
HO355	Main Street Mornington Heritage Precinct Main Street, Mornington	yes	no	no	Yes	no	no	no	no
HO354	Former Mornington Coffee Palace Guest House 1/26, 2/26, 3/26, 4/26, 28, 30 Main Street and 1/1A, 2/1A, 3/1A Railway Grove, Mornington (Lots 1, 2, 3, 4A, 5A, 6, 7, 8, and 9 of PS441799)	yes	no	no	Yes	no	no	no	no
HO123	Former National Australia Bank 60-62 Main Street, Mornington	yes	no	yes	Yes	no	no	no	no
HO357	Former Bradford's Dairy 81 Main Street, Mornington	yes	no	no	Yes	no	no	no	no
HO358	Former Office Mornington Post	yes	no	no	Yes	no	no	no	no

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	97 Main Street, Mornington								
HO359	103 – 103A Main Street, Mornington	yes	no	no	Yes	no	no	no	no
HO124	Grand Hotel 126-132 Main Street, Mornington	yes	no	yes	Yes	no	no	no	no
HO365	Former King George V Memorial Bush Nursing Hospital (part) and mature Oak tree west of the building 262 Main Street, Mornington (part)	yes	no	yes	Yes	no	no	no	no
HO389	House 25 Naples Street, Mornington	yes	no	no	Yes	no	no	no	no
HO211	St Peter's Anglican Church 3 Queen Street, Mornington	yes	no	yes	Yes	no	no	no	no
HO212	Roma (house and garden) 6-8 Queen Street, Mornington	yes	no	yes	Yes	no	no	no	no
HO392	House 2/56 Queen Street, Mornington	yes	no	no	Yes	no	no	no	no
HO224	Parsons House 8 Rothesay Avenue, Mornington	yes	no	yes	Yes	no	no	no	no
HO228	Mornington Pier Schnapper Point Drive, Mornington	yes	no	yes	Yes	no	no	no	no
HO57	Schnapper Point Exploration Site	yes	no	no	Yes	no	no	no	no



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	Schnapper Point Drive, Mornington								
HO393	House 10 Shelley Street, Mornington	yes	no	no	Yes	no	no	no	no
HO234	Warrawee 26 Strachans Road, Mornington	yes	no	yes	Yes	no	no	no	no
HO104	Beleura 1 Tallis Drive, Mornington	-	-	-	-	-	yes Ref No H319	no	no
HO348	Former St Macartan's Primary School and Convent 5 Tanti Avenue and 17 - 31 Tanti Avenue Mornington	yes	no	yes	Yes	yes	no	no	no
HO394	House, Tree 8 Tanti Avenue, Mornington	yes	no	yes	Yes	no	no	no	no
HO237	Sutton Grange 14-18 Tanti Avenue, Mornington	yes	no	yes	Yes	no	no	no	no
HO238	Morven Manor 77 Tanti Avenue, Mornington	yes	no	yes	Yes	no	no	no	no
HO395	House 5 Turnbull Street, Mornington	yes	no	no	Yes	no	no	no	no
HO367	Former Mornington State School no. 2033	yes	no	no	Yes	no	no	no	no

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	25 Vale Street, Mornington (part)								
HO396	House 5 Wellington Street, Mornington	yes	no	no	Yes	no	no	no	no
HO250	Wolfdene 38 Wilsons Road, Mornington	yes	no	yes	Yes	no	no	no	no
HO213	Ranelagh Estate Mount Eliza	-	-	-	-	-	yes Ref No H1605	no	no
HO397	Ranelagh Residential Group - Modernist Styles Mount Eliza, includes houses at: 20 Ravenscourt Crescent 5 Rendlesham Avenue 15 Rendlelsham Avenue 28 Roehampton Crescent 75 Wimborne Avenue	yes	no	no	Yes	yes	no	no	no
HO398	Ranelagh Residential Group - Traditional Picturesque Style Mount Eliza, includes: 62 Canadian Bay Road (house, trees, gates and stone piers) 23 Rannoch Avenue, Mount Eliza (house and tree)	yes	no	yes only places listed in column 2 that mention tree, trees or hedge.	Yes	yes	no	no	no

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	15-17 Ravenscourt Crescent (house and tree) 21-23 Ravenscourt Crescent (house and tree) 27 Ravenscourt Crescent (house) 1-3 Rendlesham Avenue (house and hedge) 2 and 2A Rendlesham Avenue (house and hedge) 27 Rendlesham Avenue (house) 35 Rendlesham Avenue (house and hedge) 43 Rendlesham Avenue (house) 2 Roehampton Crescent (house) 14 Rosserdale Crescent (house) 23 Rosserdale Crescent (house) 40 and 42 Rosserdale Crescent (house) 57 Rosserdale Crescent (house and hedge) 59 Rosserdale Crescent (house and hedge) 9 Wimborne Avenue (house) 27 Wimborne Avenue (house)								
HO32	Peck Bungalow 5 Brookwood Drive, Mount Eliza	yes	no	yes	Yes	no	no	no	no

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HO379	House and Tree 1 Burong Court, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO368	Beale House 19 Dueran Street, Mount Eliza	yes	no	no	Yes	no	no	no	no
HO53	Earimil (later Kamala) 8 Earimil Drive, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO383	Studley (former), House, Tree 7 Freemans Road, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO385	House Nedloh 8 Harleston Road, Mount Eliza	yes	no	no	Yes	no	no	no	no
HO93	Tokai 15 Harleston Road, Mount Eliza	yes	No	yes	Yes	no	no	no	no
HO399	Mount Eliza Centre 33-33A Jacksons Road, Mount Eliza Former administrative block (central portion), former treatment ward and former chapel and limited curtilage.	no	no	no	Yes	no	no	no	no
HO109	St James the Less Anglican Church 105 Koetong Parade cnr Nepean Highway, Mount Eliza	-	-	-	-	-	yes Ref No H1890	no	no
HO110	Moondah, later Manyung Hotel 60 Kunyung Road, Mount Eliza	yes	no	yes	Yes	no	no	no	no

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HO111	Moondah Gatehouse 60-70 Kunyung Road, Mount Eliza	-	-	-	-	-	yes Ref No H1894	no	no
HO388	John Rouse House 85 Kunyung Road, Mount Eliza	yes	no	no	Yes	no	no	no	no
HO126	Marathon 12 Marathon Drive, Mount Eliza	-	-	-	-	-	yes Ref No H946	no	no
HO369	Mount Eliza North Primary School 6 Moseley Drive, Mount Eliza (part)	yes	no	no	Yes	no	no	no	no
HO353	Shop 187 Mt Eliza Way, Mt Eliza	yes	no	no	Yes	no	no	yes	no
HO150	Ramslade 1216 Nepean Highway, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO151	Norman Lodge 1225 Nepean Highway, Mount Eliza	-	-	-	-	-	yes Ref No H321	no	no
HO390	Inverell Cottage (house and hedge) 1501 Nepean Highway, Mount Eliza (part)	yes	no	yes	Yes	no	no	no	no
HO364	Former Farm Building 4 Ocean Grove, Mount Eliza	yes	no	no	Yes	no	no	no	no

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HO153	Toorak College 73-93 Old Mornington Road, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO370	Kackeraboite Creek Bridge Under Old Mornington Road, Mount Eliza	yes	no	no	Yes	no	no	no	no
HO406	Reserve 2-10 (Lots 559-562 LP10717) Ranelagh Drive, Mount Eliza and Easement Rutland Avenue to Mount Eliza Way, Mount Eliza	no	no	yes	Yes	no	no	no	no
HO361	House 4-6 Rannoch Avenue, Mount Eliza	yes	no	no	Yes	no	no	no	no
HO215	Nithsdale (house and garden) 28-34 Rannoch Avenue, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO216	The Ship 35 Rannoch Avenue, Mount Eliza	-	-	-	-	-	yes Ref No H1910	no	no
HO217	Ramsay House 29 Rendlesham Avenue, Mount Eliza	-	-	-	-	-	yes Ref No H2181	no	no
HO221	House	yes	no	yes	Yes	no	no	no	no

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	21 Rosserdale Crescent, Mount Eliza								
HO222	Ranelagh House (Nyora) 29-35 Rosserdale Crescent, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO223	Tal Tal 51 Rosserdale Crescent, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO235	Manyung Recreation Camp 35 Sunnyside Road, Mount Eliza	-	-	-	-	-	yes Ref No H1895	no	no
HO236	Morning Star Boys' Home 2 Sunnyside Road, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO242	Watson House 3 Thornton Road, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO130	Rubra 7 Watts Parade, Mount Eliza	yes	no	no	Yes	no	no	no	no
HO249	Hendra 11 Williams Road, Mount Eliza	-	-	-	-	-	yes Ref No H1907	no	no
HO214	Infant Welfare Centre 95-97 Wimbledon Avenue, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO371	Classroom building (former Parkdale Primary School)	yes	no	no	Yes	no	no	no	no

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	1 Wooralla Drive, Mount Eliza (part)								
HO252	Dendron (house and garden) 25 Wooralla Drive, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO253	Hartley Cottage 60 Wooralla Drive, Mount Eliza	yes	no	yes	Yes	no	no	no	no
HO51	Glynt (house and garden) 16 Bay Road, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO373	Mornington cemetery 40 Craigie Road, Mount Martha	yes	no	yes	Yes	yes	no	no	no
HO374	Former Australian Army Apprentice School Officers Quarters and Mess 2 Cumberland Drive, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO376	Faversham House and tree 34-36 Dominion Road, Mount Martha (including Lot 1, TP221686 and Lots 2 and 3, LP1356)	yes	no	yes	Yes	no	no	no	no
HO52	Green Island Common School 170 Dunns Road, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO54	Roeder House 57 Ellerina Road, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO61	Mount Martha House	-	-	-	-	-	yes	no	no



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	468 Esplanade, Mount Martha						Ref No H1901		
HO50	Green Gables House 474 Esplanade, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO62	Mount Martha House Gate House 476 Esplanade, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO378	House 501 Esplanade, Mount Martha	yes	no	no	Yes	no	no	no	no
HO63	Briarswood Cottage 559 Esplanade, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO64	Craigie Lea 564 Esplanade, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO65	Woodclyffe Cottage 594 Esplanade, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO332	House 15 Finlayson Avenue, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO88	The Chalet 14 Glenisla Drive, Mount Martha	-	-	-	-	-	yes Ref No H1891	no	no
HO89	Component House	yes	no	yes	Yes	no	no	no	no

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	100 Glenisla Drive, Mount Martha								
HO95	Joseph Harris Scout Park Hearn Road, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO363	Citation Reserve, Oval, Memorial Stone and former Army Hut, Cypress avenue 88 Helena Street, Mount Martha (part)	yes	no	yes	Yes	no	no	no	no
HO115	Yarilla (house and garden) 7-9 Lempriere Avenue, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO372	Former Mount Martha Campground (pavilion, ruins of ablution block, camp laundry) 16A Mirang Avenue, Mount Martha (part)	yes	no	no	Yes	yes	no	no	no
HO148	The Briars Landscapes 33 Nepean Highway, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO149	Dalkeith (house and garden) 245 Nepean Highway, Mount Martha	yes	no	yes	Yes	no	no	yes	no
HO147	The Briars 450 Nepean Highway, Mount Martha	-	-	-	-	-	yes Ref No H320	yes	no
HO391	Hardanger Lodge, trees 12-14 Osborne Drive, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO154	Porritt House	yes	no	yes	Yes	no	no	no	no

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	44 Osborne Drive, Mount Martha								
HO155	Studio House 24 Pacific Terrace, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO159	Mount Martha Public Park Park Road, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO326	Balcombe Gates, Oval and Carpark 18 Tal Tals Crescent, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO14	High Clere 47 Two Bays Crescent, Mount Martha	yes	no	yes	Yes	no	no	no	no
HO470	Back Beach Road, Portsea Precinct. Statement of Significance: Back Beach Road, Portsea Precinct Statement of Significance, February 2022	no	no	no	Yes	no	no	no	no
HO7	Marlborough House 8-10 Back Beach Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO8	Karacoum 12 Back Beach Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO9	Craigy Bryn 20 Back Beach Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO11	Oleander Cottage	yes	no	yes	Yes	no	no	no	No

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	52 Back Beach Road, Portsea								
HO471	Jensen House (former) 26 Back Beach Road, Portsea Statement of Significance: 26 Back Beach Road, Portsea Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO472	Haysom House (former) 100 Back Beach Road, Portsea Statement of Significance: 100 Back Beach Road, Portsea Statement of Significance, February 2022	no	no	no	Yes	no	no	no	no
HO473	O'Dwyer House (former) 21-23 Blair Road, Portsea Statement of Significance: 21-23 Blair Road, Portsea Statement of Significance, February 2022	yes	no	no	Yes	no	no	no	no
HO24	Quamby 44 Blair Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO25	Lochee 57 Blair Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO10	The Grange 58 Blair Road, Portsea	yes	no	yes	Yes	no	no	no	no

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HO474	Osborne House (former) 33 Campbells Road, Portsea Statement of Significance: 33 Campbells Road, Portsea Statement of Significance, February 2022	yes	no	no	Yes	no	no	no	no
HO475	Cove House 14 Cove Avenue, Portsea Statement of Significance: 14 Cove Avenue, Portsea Statement of Significance, February 2022	no	no	no	Yes	no	no	no	no
HO80	Ford House and Outbuilding 28 Farnsworth Avenue, Portsea	yes	no	yes	Yes	no	no	no	no
HO477	The Dairy 53 Franklin Road, Portsea Statement of Significance: 53 Franklin Road, Portsea Statement of Significance, February 2022	no	no	no	Yes	no	no	no	no
HO478	Brasch House (former) 11 Grosvenor Court, Portsea Statement of significance: 11 Grosvenor Court, Portsea Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no
HO128	Lime Kiln and Stonehenge	yes	no	yes	Yes	no	no	no	no

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	4 McColls Way, Portsea								
HO479	McIntosh House (former) 6 Merrylands Avenue, Portsea Statement of significance: 6 Merrylands Avenue, Portsea Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO138	Duffy's Lime Kiln 7 Merrylands Avenue, Portsea	-	-	-	-	-	yes Ref No H1931	no	no
HO480	Nicholas House (former) 8 Merrylands Avenue, Portsea Statement of significance: 8 Merrylands Avenue, Portsea Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO161	Ilyuka Lime Kiln/Bathing Box 2 & 16 Point King Road, Portsea	-	-	-	-	-	yes Ref No H1191	no	no
HO160	Ilyuka 16 Point King Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO189	Kemp Cottage 3557 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO190	L'Ecole (former Sorrento State School)	yes	no	yes	Yes	no	no	no	no

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	3563 Point Nepean Road, Portsea								
HO191	Mileura 3568 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO192	Mayrah 3569 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO193	Harrodene 3576 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO194	Dalriada 3662 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO195	Clovelly 3664 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO196	Noorah 3688 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO197	Franklin Hill 3702 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO198	Former Fort Franklin (Portsea Camp) 3704 Point Nepean Road and 2-10 Franklin Road, Portsea	-	-	-	-	-	yes Ref No H1090	no	no
HO482	St Thomas Catholic Church 3715 Point Nepean Road, Portsea Statement of significance:	yes	no	no	Yes	no	no	no	no

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	3715 Point Nepean Road, Portsea Statement of Significance, July 2021								
HO485	Harbour Gate Flats 3720 Point Nepean Road, Portsea Statement of Significance: 3720 Point Nepean Road, Portsea Statement of Significance, February 2022	no	no	no	Yes	no	no	no	no
HO199	Glencove 3732 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO200	Wanda 3738 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO201	Loloma 3742 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO202	Portsea Hotel 3744-3746 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO486	Portsea shopfronts 3750-3752 Point Nepean Road, Portsea Statement of significance: 3752 Point Nepean Road, Portsea Statement of Significance, July 2021	yes	no	no	Yes	no	no	yes	no
HO203	Portsea pier general store/cafe and dive shop	yes	no	yes	Yes	no	no	yes	no



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	3770-3772 Point Nepean Road, Portsea Statement of Significance: 3770-3772 Point Nepean Road, Portsea Statement of Significance, July 2021								
HO204	Limestone House 3789 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO205	Pitstone 3795 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO206	Seacliff 3800 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO47	Farfor Flats 3804 Point Nepean Road, Portsea Statement of Significance: 3804 Point Nepean Road, Portsea Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO464	Watkins House (former) 3808 Point Nepean Road, Portsea Statement of Significance: 3808 Point Nepean Road, Portsea Statement of Significance, August 2021	no	no	no	Yes	no	no	no	no
HO207	Delgany	-	-	-	-	-	yes	no	no

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	3809- Point Nepean Road & 2,3 & 4 Desbrowe Annear Way & 2-28 Armytage Drive & 1-29 Armytage Drive & 20-22 Delgany Avenue, Portsea						Ref No H2058		
HO208	Dundonald 3831 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO209	Weeroona 3846 Point Nepean Road, Portsea	yes	no	yes	Yes	no	no	no	no
HO483	House 3861-3863 Point Nepean Road, Portsea Statement of significance: 3861-3863 Point Nepean Road, Portsea Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO165	Point Nepean Defence and Quarantine Precinct 3875 Point Nepean Road and 3880 Point Nepean Road and 1-7 Franklands Drive, Portsea	-	-	-	-	-	yes Ref No H2030	no	yes
HO484	Relph Avenue Cypress Grove Road Reserve Relph Avenue, Portsea Statement of significance: Road Reserve Relph Avenue, Portsea Statement of Significance, July 2021	no	no	yes - the cypress trees	Yes	no	no	no	no

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO230	Nyland 4 Somerset Avenue, Portsea	yes	no	yes	Yes	no	no	no	no
HO143	Ecclesall 321 Arthurs Seat Road, Red Hill	yes	no	yes	Yes	no	no	no	no
HO132	Red Hill Hall Mechanics Road, Red Hill	yes	no	yes	Yes	no	no	no	no
HO133	Uniting Church 33 Mechanics Road, Red Hill	yes	no	yes	Yes	no	no	no	no
HO422	Red Hill Post Office (former) 710 White Hill Road, Red Hill Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO144	Devonia 1199 Mornington-Flinders Road, Red Hill	yes	no	yes	Yes	no	no	no	no
HO145	White Gates 795 White Hill Road, Red Hill	yes	no	yes	Yes	no	no	no	no
HO331	Red Hill Station Ground Precinct Red Hill South	no	no	yes	Yes	no	no	no	no
HO314	Co-operative Cool Store	no	no	no	Yes	no	no	yes	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	165 Shoreham Road, Red Hill South The former cool store building with emphasis on the fabric from or near the main construction period of the 1930's.								
HO434	Foreshore Cottages 1 Bucher Place and 880 Point Nepean Road, Rosebud Statement of significance: 1 Bucher Place and 880 Point Nepean Road, Rosebud Statements of Significance, August 2021	no	no	Yes- Flowering Gum (Corymbia ficifolia) at 880 Point Nepean Road	Yes	no	no	no	no
HO423	Elsinor 22 Boneo Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	yes	no	no	Yes	yes	no	no	no
HO410	Carrington Park Club 40-52 Elizabeth Drive, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	yes	no	no	Yes	no	no	no	no
HO82	Rose Cottage 30 Foam Street, Rosebud	yes	no	yes	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO424	Rosebud Guide Hall 21 Jetty Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO425	Old English Houses 48 and 50 Jetty Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	yes	no	no	no
HO426	Stonehaven 15 Mitchell Street, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	yes	no	no	no
HO427	Uniting Church 2 Murray Anderson Road, Rosebud The 1966 church and the 1923 former church (not including the two residences). Statement of significance:	no	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018								
HO428	Residence 96 Ocean Street, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	Yes	no	no	Yes	no	no	no	no
HO256	House 741-743 Point Nepean Road, Rosebud	yes	no	yes	Yes	no	no	yes	no
HO430	Wannaeue 834 Point Nepean Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO431	Old English House 844 Point Nepean Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	yes	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO433	Rosebud Mechanics Institute, Shire Regional Library, former 878 Point Nepean Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO435	Cottage and Boathouse 3/914 Point Nepean Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO436	Rosebud State School No.2627 923 Point Nepean Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO437	Band Room (former Youth Club) 986 Point Nepean Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO409	Rosebud Sound Shell 988 Point Nepean Road, Rosebud	-	-	-	-	-	yes Ref No H2299	no	no
HO438	Model Dairy Milk Bar, former 1013 Point Nepean Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO171	The Broadway 1015 Point Nepean Road, Rosebud	yes	no	yes	Yes	no	no	no	no
HO439	Rosebud Hotel 1099-1125 Point Nepean Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO440	All Saints Anglican Church 1153-1157 Point Nepean Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO441	Carltonia	no	no	no	Yes	no	no	no	no



## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	1481-1483 Point Nepean Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018								
HO442	Ramsay Manufacturing Co., former 1489 Point Nepean Road, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO172	Elenora 1517 Point Nepean Road, Rosebud	yes	no	yes	Yes	no	no	no	no
HO443	Jetty Entrance Walls Rosebud Parade, Rosebud Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO444	Moderne House 4-6 Seventh Avenue, Rosebud Statement of significance:	no	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018								
HO239	Woyna House 9-11 Terry Street, Rosebud	yes	no	yes	Yes	no	no	no	no
HO5	House 20 Athol Court, Rye	yes	no	yes	Yes	no	no	no	no
HO34	Sullivan's Lime Kiln The Dunes Golf Links, 335 Browns Road, Rye	-	-	-	-	-	yes Ref No H1930	no	no
HO33	Kiln 459-461 Browns Road, Rye	yes	no	yes	Yes	no	no	no	no
HO37	House 24-28 Cain Road, Rye	yes	no	yes	Yes	no	no	no	no
HO345	Grimwade House 28-54 Dundas Street, Rye	-	-	-	-	-	yes Ref No H2209	no	no
HO448	Norburne 100-104 Dundas Street, Rye Statement of significance:	no	no	yes	Yes	no	no	no	no

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018								
HO117	Tyrone 1-3 Locke Street, Rye	yes	no	yes	Yes	no	no	no	no
HO449	Monterey Cypruss 2 Locke Street, Rye Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	yes	Yes	no	no	no	no
HO98	Rye Primary School (part) 12-20 Lyons Street, Rye	yes	no	yes	Yes	no	no	no	no
HO450	Rye Cemetery 22-30 Lyons Street, Rye Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	yes	Yes	no	no	no	no
HO119	St Andrew's Anglican Church 33 Lyons Street, Rye	yes	no	yes	Yes	yes	no	no	no
HO120	Mikado 26 Magnolia Court, Rye	yes	no	yes	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO451	Rye Civic Hall (former Mechanics Institute and Free Library) 12 Napier Street, Rye Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	yes	no	Yes	no	no	no	no
HO452	Golden Sands 6 Ozone Street, Rye Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO453	Grace Sullivan Memorial changing rooms (former), Rangers Office Point Nepean Road, Rosebud Foreshore at Lyons Street, Rye Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO349	House and trees 2465 Point Nepean Road, Rye	yes	no	yes	Yes	no	no	yes	no
HO173	Bimblehurst 2519 Point Nepean Road, Rye	yes	no	yes	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO454	Romany 2467 Point Nepean Road, Rye Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO455	Bethany 2493 Point Nepean Road, Rye Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	yes	no	no	no
HO456	Rye Foreshore Pavilion 2560 Point Nepean Road (off), Rye Statement of significance: Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018	no	no	no	Yes	no	no	no	no
HO174	Killamey 2723 Point Nepean Road, Rye	yes	no	yes	Yes	no	no	no	no
HO327	The Pines (Foreshore Reserve), Beach Road and Cliff Road, Shoreham	-	-	-	-	-	yes Ref No H1996	no	no
HO23	Alavina	yes	no	yes	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	14-18 Beach Road, Shoreham								
HO36	Little Breda 3 Byrnes Road, Shoreham	yes	no	yes	Yes	no	no	no	no
HO35	Progress Hall and Avenue of Honour 67 Byrnes Road, Shoreham	yes	no	yes	Yes	no	no	no	no
HO342	Old Post Office 80 Byrnes Road, Shoreham	yes	no	yes	Yes	no	no	no	no
HO127	Camp Buxton (former) 39-45 and part 47-57 Marine Drive, Shoreham Statement of Significance: Camp Buxton 39-45 and part 47-57 Marine Parade, Shoreham Statement of Significance, September 2022	no	no	yes	Yes	Yes - contributory buildings	no	no	no
HO210	The Glen 100 Punt Lane, Shoreham	yes	no	yes	Yes	no	no	no	no
HO245	Muskwood Park 394 Tucks Road, Shoreham	yes	no	yes	Yes	no	no	no	no
HO347	Balance Lyncroft 410 Tucks Road, Shoreham	no	no	yes	Yes	no	no	no	no
HO246	Lyncroft	-	-	-	-	-	yes	no	no

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	410 Tucks Road, Shoreham						Ref No H1909		
HO96	House 565 Tucks Road, Shoreham	yes	no	yes	Yes	no	no	yes	no
HO290	Palm Beach Estate Alexandra Avenue, Bonview Avenue, Camp Hill Road, The Boulevard, Somers Incorporated plan: Plan No. 3 Palm Beach Estate, Somers, February 2005	no	no	yes	Yes	no	no	no	no
HO118	Coolart 36 Lord Somers Road, Somers	-	-	-	-	-	yes Ref No H759	no	no
HO301	Former RAAF Training Camp 124 Lord Somers Road, Somers The remaining 21-2 acres of the camp site with structures and landscape (flowering gums, Monterey pine rows and spotted gum rows) from the WW2 development period.	yes	no	yes	Yes	no	no	yes	no
HO302	Lord Somers Camp 148 and 150 Lord Somers Road; and 63 and 65 Parklands Avenue, Somers	-	-	-	-	-	yes Ref No H2292	no	no
HO227	Hope Campbell House	yes	no	yes	Yes	no	no	no	no

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	1 Sandy Point Road, Somers								
HO259	Norfolk Island Pines (2) 28 Austin Road, Somerville The trees and land within the title nominally two metres of each tree root ball or canopy whichever is the greater.	no	no	yes	Yes	no	no	no	no
HO269	Thomas Brunning's Farm 83 Bungower Road, Somerville The house and the title land, with any associated fabric or trees (Monterey cypress) from or near the construction date (c1919-1920's) or the Thomas Brunning occupation periods.	yes	no	yes	Yes	no	no	yes	no
HO280	Trees, House Site 103 Bungower Road, Somerville The title and reserve land and cited mature trees (2x Araucaria sp. ie Norfolk Island pine (Araucaria heterophylla 20m), bunya pine (Araucaria bidwillii 16m, an oak, a Monterey pine at the corner, and an Italian cypress (Cupressus sempervirens 20m) north of the "Araucaria specimens, a truncated Norfolk Island pine (15m) on the road reserve across the Frankston-Flinders Road, 30m south of Bungower Road, with emphasis on plantings from the 19th and early 20th century.	no	no	yes	Yes	no	no	no	no



## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO275	Alan Nunn & Son Store 2 Eramosa Road East, Somerville The title land and building, with emphasis on the fabric from the late 19th and early 20th century.	yes	no	no	Yes	no	no	yes	no
HO276	Former Somerville Private Hospital 18 Eramosa Road East, Somerville The title land and building, with emphasis on the fabric from the early 20th century.	yes	no	no	Yes	no	no	yes	no
HO277	Former Thornell's Bakery, General Shop and Residence 30 Eramosa Road East, Somerville The title land and building, with emphasis on the fabric from the late 19th and early 20th century.	yes	no	no	Yes	no	no	yes	no
HO278	James Grant Farm Complex 138 Eramosa Road East, Somerville The title land and building, with emphasis on the fabric from the construction date (1860's) to the late 19th century, and including the Grant tenure to c1920	yes	no	no	Yes	no	no	yes	no
HO279	St Andrew's Anglican Church & Trees 2 Eramosa Road West, Somerville	yes	no	yes	Yes	no	no	yes	no

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	Title land, trees (flowering gum donated by TW Brunning and planted by GR Phillips, 'E.sideroxylon' or Mugga ironbark) and church exterior with emphasis on the fabric from the Edwardian era.								
HO465	Tower House 1146 Frankston-Flinders Road, Somerville Statement of Significance: 1146 Frankston-Flinders Road, Somerville Statement of Significance, December 2020	no	no	no	Yes	no	no	no	no
HO281	Fernbank Complex 1330 Frankston-Flinders Road, Somerville The title land, mature trees (including 'Araucaria sp. Or Norfolk Island pine c17m high, blue Atlantic cedar, deodar cedar, Bhutan and Monterey cypress), house and outbuildings with emphasis on the fabric from the 19th and early 20th century and the GG Cole tenure.	yes	no	yes	Yes	yes	no	yes	no
HO291	Seaton Carew 16 Graf Road, Somerville	yes	no	yes	Yes	no	no	yes	no

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	The title land, cited mature trees (cypress hedges, Monterey pines, willows and a deodar cedar) and house, with emphasis on the fabric from or near the construction dates (19th and early 20th centuries)								
HO295	Highfold & Trees 193 Jones Road, Somerville  The title land, mature trees (one mature bunya bunya, 'Arbutus sp.', a large 'Ficus sp.', two Canary Island palms, a cypress hedge) and building, with emphasis on the fabric from or near the main early development phase, the Edwardian era.	yes	no	yes	Yes	no	no	yes	no
HO296	Fruitgrowers Reserve 328 Jones Road, Somerville  The reserve land and scout hall with emphasis on the fabric from the main development period (1912-1930's)	yes	no	yes	Yes	no	no	no	no
HO297	Soldiers Memorial Fruit Growers Reserve, 328 Jones Road, Somerville	yes	no	no	Yes	yes	no	no	no
HO303	Clarke Orchard House 26 Lower Somerville Road, Somerville  The title and house with emphasis on the fabric from or near the construction date	no	no	no	Yes	no	no	yes	no
HO311	John Brunning & Sons Complex, Trees	yes	no	yes	Yes	yes	no	yes	no

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	48 O'Neills Road, Somerville The title land, mature trees (Canary Island palms, camellias, weeping birch and a Bhutan cypress) and buildings, with emphasis on the fabric form or near the main early development phase, being the period of the 1930's.								
HO317	Station Street Residential Precinct Station Street, Somerville Houses and land at 32-58 (west side) and 41 (east side), Station Street and 13 New Street, with associated mature trees (Canary Island Palms, Norfolk Island pine, Italian cypress) and emphasis on the original fabric of the listed contributory places (dating from c1890-1945).	yes	no	yes	Yes	no	no	no	no
HO316	Mechanics Institute Hall 66 Station Street, Somerville The Mechanics Institute building and title land with emphasis on the fabric from or near the main construction dates of 1891 and 1916	yes	yes	no	Yes	no	no	yes	no
HO323	Two Bays House 9 Two Bays Drive, Somerville The building, mature trees ('Washingtonia sp', Canary Island palm, Monterey cypress and Monterey pine rows, a large	yes	no	yes	Yes	yes	no	yes	no

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	elm, 3x 'Trachycarpus sp') and title land, with emphasis on the fabric from or near the construction date of 1904.								
HO488	East Sorrento Precinct Statement of Significance: East Sorrento Precinct Statement of Significance, February 2022	no	no	no	Yes	no	no	no	no
HO501	Sorrento Commercial Precinct Statement of Significance: Sorrento Commercial Precinct Statement of Significance, February 2022 Heritage design guidelines: Sorrento Historic Precinct (expires 30 June 2026)	yes	no	no	Yes	no	no	no	no
HO502	Sorrento Foreshore Precinct Statement of Significance: Sorrento Foreshore Precinct Statement of Significance, February 2022 Heritage design guidelines: Sorrento Historic Precinct (expires 30 June 2026)	no	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO503	Sorrento Cliff Top Precinct Statement of Significance: Sorrento Cliff Top Precinct Statement of Significance, February 2022 Heritage design guidelines: Sorrento Historic Precinct (expires 30 June 2026)	yes	no	Yes, Sorrento Park, Hotham Road and Point Nepean Road street trees	Yes	no	no	no	no
HO504	Sorrento Residential Precinct Statement of Significance: Sorrento Residential Precinct Statement of Significance, February 2022 Heritage design guidelines: Sorrento Historic Precinct (expires 30 June 2026)	yes	no	no	Yes	no	no	no	no
HO489	Sorrento House servant's quarters 11 Boroondara Road, Sorrento Statement of significance: 11 Boroondara Road, Sorrento Statement of Significance, July 2021	yes	no	yes - large palm tree at front	Yes	no	no	no	no
HO31	Strawberry Cottage 39 Boroondara Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO490	St Joseph's Primary School 1-17 Constitution Hill Road, Sorrento	no	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Statement of significance: St Joseph's Primary School, 1-17 Constitution Hill Road, Sorrento Statement of Significance, July 2021								
HO491	St Mary's Presbytery and Mission House 1-17 Constitution Hill Road, Sorrento Statement of significance: St Mary's Presbytery and Mission House, 1-17 Constitution Hill Road, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO43	St Mary's Star of the Sea 1-17 Constitution Hill Road, Sorrento Statement of Significance: St Mary's Star of the Sea Church, 1-17 Constitution Hill Road, Sorrento Statement of Significance, July 2021	yes	yes	no	Yes	no	no	no	no
HO492	Vermont 27 Coppin Road, Sorrento Statement of significance: 27 Coppin Road, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO493	House 29 Coppin Road, Sorrento Statement of Significance:	yes	no	no	Yes	no	no	no	no

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	29 Copping Road, Sorrento Statement of Significance, February 2022								
HO494	Linlithgow 36-38 Darling Road, Sorrento Statement of significance: 36-38 Darling Road, Sorrento Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no
HO495	Former Mornington Hotel 1 Esplanade, Sorrento Statement of significance: 1 Esplanade, Sorrento Statement of Significance, July 2021	no	no	no	Yes	no	no	yes	no
HO496	Dalwhinnie 17 Esplanade, Sorrento Statement of significance: 17 Esplanade, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO91	Ono 5 Greenwood Avenue, Sorrento	yes	No	yes	Yes	no	no	no	no
HO497	House 115 Hemston Avenue, Sorrento Statement of significance:	no	no	no	Yes	no	no	no	no



## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	115 Hemston Avenue, Sorrento - Statement of Significance, December 2020								
HO97	House 3 Hiskens Street, Sorrento	yes	no	yes	Yes	no	no	no	no
HO498	Sorrento Hotel 5-7 Hotham Road, Sorrento Statement of significance: 5-7 Hotham Road, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	yes	no
HO499	Former Sorrento Police Station 12 Hotham Road, Sorrento Statement of significance: 12 Hotham Road, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	yes	no
HO99	Former Vicarage 89 Hotham Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO500	Hurstwood 92 Hurstwood Road, Sorrento Statement of significance: 92 Hurstwood Road, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO100	House	yes	no	yes	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	94 Hurstwood Road, Sorrento								
HO101	House 96 Hurstwood Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO102	Cooee 98 Hurstwood Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO103	Sylvan Park 26 Ivanhoe Street, Sorrento	yes	no	yes	Yes	no	no	no	no
HO505	Brumby House (former) 11 James Street, Sorrento Statement of significance: 11 James Street, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO506	Sorrento Primary School 32 Kerferd Avenue, Sorrento (part) Statement of significance: 32 Kerferd Avenue, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO507	St Andrew's Presbyterian Church and Ellen Grant Hall 39-41 Kerferd Avenue, Sorrento Statement of significance:	yes	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	39-41 Kerferd Road, Sorrento Statement of Significance, July 2021								
HO112	Sorrento Golf Club Langford Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO116	St Aubins 4 Leonard Court, Sorrento	yes	no	yes	Yes	no	no	no	no
HO134	Cottage 737 Melbourne Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO135	Pinehill 815 Melbourne Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO509	Former Mechanics Institute 827 Melbourne Road, Sorrento Statement of significance: 827 Melbourne Road, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	yes	no
HO510	House 849 Melbourne Road, Sorrento Statement of significance: 849 Melbourne Road, Sorrento Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no
HO511	Hill Holme 855-865 Melbourne Road, Sorrento	no	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Statement of significance: 855-865 Melbourne Road, Sorrento Statement of Significance, July 2021								
HO512	Eastcliff 881 Melbourne Road, Sorrento Statement of significance: 881 Melbourne Road, Sorrento - Statement of Significance, December 2020	no	no	no	Yes	no	no	no	no
HO513	Riley House (former) 4 Morgan Street, Sorrento Statement of significance: 4 Morgan Street, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO514	The Haven 4-6 Netley Avenue, Sorrento Statement of significance: 4-6 Netley Avenue, Sorrento Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no
HO515	Mendes House (former) 8 Netley Avenue, Sorrento Statement of significance: 8 Netley Avenue, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO152	Kimberley 11 Newton Avenue, Sorrento	yes	no	yes	Yes	no	no	no	no
HO516	Sorrento Cemetery 78 Normanby Road, Sorrento Statement of significance: 78 Normanby Road, Sorrento Statement of Significance, February 2022 Incorporated Plan: Sorrento Cemetery Incorporated Plan, February 2021	no	no	no	Yes	no	no	no	no
HO257	Continental Hotel 1-21 Ocean Beach Road, Sorrento	-	-	-	-	-	yes Ref No H1896	no	no
HO517	Stringers Stores 2-4 and 6-8 Ocean Beach Road, Sorrento Statement of significance: 2-4 and 6-8 Ocean Beach Road, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	yes	no
HO518	Former Sorrento Post and Telegraph Office 10-16 Ocean Beach Road, Sorrento Statement of significance: 10-16 Ocean Beach Road, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	yes	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO519	Former Oriental Coffee Palace 18-24 Ocean Beach Road, Sorrento Statement of significance: 18-24 Ocean Beach Road, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	yes	no
HO408	Athenaeum 28-36 Ocean Beach Road, Sorrento	-	-	-	-	-	yes Ref No H2227	no	no
HO520	Watts Cottage 165 Ocean Beach Road, Sorrento Statement of significance: 165 Ocean Beach Road Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	yes	no
HO521	Whitehall 235 Ocean Beach Road, Sorrento Statement of significance: 235 Ocean Beach Road, Sorrento Statement of Significance, July 2021	no	no	no	Yes	no	no	yes	no
HO522	Prangeville 34-36 Ossett Street, Sorrento Statement of significance: 34-36 Ossett Street, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO162	Kennagh 19-21 Point King Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO255	Collins Settlement Site 2700-3148 Point Nepean Road, Sorrento The heritage place includes Iluka 3088 Point Nepean Road, Sorrento (HO175) Nee Morna 3110 Point Nepean Road, Sorrento (HO176)	-	-	-	-	-	yes Ref No H1050	no	no
HO525	The Sisters 3073 Point Nepean Road, Sorrento Statement of significance: 3073 Point Nepean Road, Sorrento Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no
HO175	Iluka 3088 Point Nepean Road, Sorrento	yes	no	yes	-	no	yes Ref No H1050 (see also HO255)	no	no
HO176	Nee Morna 3110 Point Nepean Road, Sorrento	yes	no	yes	-	no	yes Ref No H1050	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
							(see also HO255)		
HO177	Budgery Gunyah 3179 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO178	Kilvenny 3206 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO179	Franklin 3213 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO527	North Esk 3251 Point Nepean Road, Sorrento Statement of significance: 3251 Point Nepean Road, Sorrento Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no
HO258	The Anchorage 3273 Point Nepean Road, Sorrento	-	-	-	-	-	yes Ref No H1899	no	no
HO532	Old Butcher's Shop (former) 3421 Point Nepean Road, Sorrento Statement of significance: 3421 Point Nepean Road, Sorrento Statement of Significance, February 2022	yes	no	no	Yes	no	no	no	no



## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO528	Sorrento Masonic Centre 3385 Point Nepean Road, Sorrento Statement of significance: 3385 Point Nepean Road, Sorrento Statement of Significance, July 2021	no	no	no	Yes	no	no	yes	no
HO529	Sorrento Foreshore and Bandstand Sorrento Foreshore off Point Nepean Road, Sorrento Statement of significance: Sorrento Foreshore off Point Nepean Road, Sorrento Statement of Significance, July 2021	no	no	yes, Norfolk Island Pines	Yes	no	no	no	no
HO530	Former Anglican Vicarage 3399 Point Nepean Road, Sorrento Statement of significance: 3399 Point Nepean Road, Sorrento Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no
HO531	Sorrento House 3409 Point Nepean Road, Sorrento Statement of significance: 3409 Point Nepean Road, Sorrento Statement of Significance, July 2021	yes	no	yes, large Canary Island Palms at front	Yes	no	no	no	no
HO180	Sundorne 3437 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO181	Hindson House 3440 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO182	Colwyn 3454 Point Nepean Road, Sorrento	yes	no	no	Yes	no	no	no	no
HO183	Fairholme 3457 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO184	St John's Church of England 3460 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO533	Ferndale Cottage 3461 Point Nepean Road, Sorrento Statement of significance: 3461 Point Nepean Road, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	no	no
HO534	CP3 Pioneer Project House 3482 Point Nepean Road, Sorrento Statement of Significance: 3482 Point Nepean Road, Sorrento Statement of Significance, February 2022	no	no	no	Yes	no	no	no	no
HO535	Paroroo 3489 Point Nepean Road, Sorrento Statement of significance:	yes	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	3489 Point Nepean Road, Sorrento Statement of Significance, July 2021								
HO185	Netley 3492 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO186	Cliff Crest 3500 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO187	Heathlawn 3506 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO136	Westbank 3510 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO188	Merthon 3522 Point Nepean Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO232	Lystra 5 St Pauls Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO233	Narollah 15 St Pauls Road, Sorrento	yes	no	yes	Yes	no	no	no	no
HO536	St Pauls Road General Store 69 St Pauls Road, Sorrento Statement of significance: 69 St Pauls Road, Sorrento Statement of Significance, July 2021	no	no	no	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO537	Former Dairy 71 St Pauls Road, Sorrento Statement of significance: 71 St Pauls Road, Sorrento Statement of Significance, July 2021	yes	no	no	Yes	no	no	yes	no
HO241	The Heights 2-8 The Heights, Sorrento	yes	no	yes	Yes	no	no	no	no
HO243	St Andrews Lime Kiln 65 Tiberius Road, St Andrews Beach	yes	no	yes	Yes	no	no	no	no
HO140	Tuerong Park Lots 1-6 PS408353 Balnarring Road, Tuerong	yes	no	yes	Yes	no	no	no	No
HO272	Wilson Farm Complex, Trees 114 Coolart Road, Tuerong The house and the title land, with any associated fabric or trees from or near the construction date (1920's) or the Wilson occupation periods	yes	no	yes	Yes	no	no	yes	no
HO251	Woods Reserve Woodlands Road, Tuerong	yes	no	yes	Yes	no	no	no	no
HO273	Unthank Farm House, Trees, Garden 261 Coolart Road, Tyabb	yes	no	yes	Yes	no	no	yes	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	The house and the title land, with any associated fabric or mature trees (clipped cypress hedge at the front and side, flowering gum, cedar, Monterey cypress, redwood, and 'Arbutus' specimens) from or near the construction date (1930's) or the Unthank occupation periods.								
HO289	<p>Tyabb Residential, Commercial &amp; Civic Precinct</p> <p>Frankston-Flinders Road, Tyabb</p> <p>Land, trees and buildings, including:</p> <p>Weatherboard commercial buildings, some with post supported steel verandahs, in the Frankston-Flinders Road from the inter-war, Edwardian and Victorian eras;</p> <p>Martha King memorial, Frankston-Flinders Road;</p> <p>Tyabb Scout Hall, 1580 Frankston-Flinders Road;</p> <p>John T Baker Gateway, Frankston-Flinders Road;</p> <p>Benton memorial flagpole, Frankston-Flinders Road;</p> <p>Tyabb soldiers memorial, Frankston-Flinders Road;</p> <p>Memorial tree Recreation Reserve, Mildura 1908;</p>	yes	no	yes	Yes	no	no	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	House, 9 Mornington-Tyabb Road; Tyabb Recreation Ground and trees; Former Tyabb All Saints Church of England & Hall, 16 Mornington-Tyabb Road; Tyabb Cooperative Coolstore, now Tyabb Packing House, off Peacock Road; Tyabb cannery, Peacock Road; Tyabb railway station, Monterey pine row and station ground plus the trackway through the precinct; Coolstore Engineer's house, 14 Peacock Road; Paganoni House, 16 Peacock Road; 70 The Crescent Tyabb hall, The Crescent Westernport Family Church, The Crescent Hybrid Oak and Tyabb Railway Station School, The Crescent								
HO60	Tyabb Soldiers Memorial Frankston-Flinders Road, Tyabb	yes	No	no	Yes	no	no	no	no
HO283	Tyabb Halls 1535 Frankston-Flinders Road, Tyabb	yes	no	no	Yes	no	no	yes	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Buildings and title land, emphasis on the fabric near the construction dates, 1899 and 1958								
HO284	George G & Sarah Cole House & Trees 1559 Frankston-Flinders Road, Tyabb  The cited mature trees (Canary Island palm, Monterey cypress hedge, golden cypress, a 'Quercus sp', and orchard remnants) and house, with emphasis on the fabric from the early 20th century and the GG Cole tenure and associated landscape (arrow head picket front fence, carriage drive).	yes	no	yes	Yes	no	no	yes	no
HO463	House 12 Graydens Road, Tyabb  Statement of Significance: 12 Graydens Road, Tyabb Statement of Significance, December 2020	no	yes - to the extent of walls demonstrating wattle and daub (pole and pug) construction	no	Yes	no	no	yes	no
HO308	David Grant House 9 Mornington-Tyabb Road, Tyabb  The title land, mature trees (two Canary Island palms, lily pilly, liquidamber and an oak) and buildings, with emphasis on the fabric from or near the main early development phase, being the period 1930's.	yes	no	yes	Yes	no	no	yes	no

## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO309	Former Tyabb All Saints Church of England and Hall 16 Mornington-Tyabb Road, Tyabb The title and buildings, with emphasis on the fabric from or near the main early development phase, being the period 1914-1920's.	yes	no	no	Yes	no	no	yes	no
HO313	Former Government Cool Store 13 Peacock Road, Tyabb The former Tyabb Government Cool Store, later Tyabb Co-operative Cool Store complex, railway siding platform yard, the title land to the cool store and two weatherboard houses (14, 16 Peacock Road) and cited buildings, with emphasis on the fabric from or near the main construction dates c1914-1946	yes	no	no	Yes	no	no	yes	no
HO320	Former Tyabb Methodist Church 70 The Crescent, Tyabb The building and title land, with emphasis on the fabric from or near the construction date of the 1920's.	yes	no	no	Yes	no	no	yes	no
HO321	Hybrid Oak & Tyabb Railway Station School SS3544 98 The Crescent, Tyabb	yes	no	yes	Yes	no	no	yes	no



## MORNINGTON PENINSULA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	The building , mature trees ('Q. myrtifolia' hybridised with 'Q. castenefolia', native scarlet gum (3 x 'E. ficifolia') and title land, with emphasis on the fabric from or near the construction date of 1912-1913.								
HO325	Former Commonwealth Aircraft Corporation Hanger 112 Stuart Road, Tyabb	-	-	-	-	-	yes Ref No H0094	no	no

## MORNINGTON PENINSULA PLANNING SCHEME

## 43.02

31/07/2018  
VC148

## DESIGN AND DEVELOPMENT OVERLAY

Show on the planning scheme map as DDO with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which are affected by specific requirements relating to the design and built form of new development.

## 43.02-1

19/01/2006  
VC37

## Design objectives

A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.

## 43.02-2

14/12/2023  
VC253

## Buildings and works

## Permit requirement

A permit is required to:

- Construct a building or constructor carry out works. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
  - To the construction of a building or constructor carrying out of works for a small second dwelling if all the following requirements are met:
    - The building height must not exceed 5 metres.
    - The building must be finished using muted tones and colours.

- Construct a fence if specified in a schedule to this overlay

Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:

- Building setbacks.
- Building height.
- Plot ratio.
- Landscaping.
- Any other requirements relating to the design or built form of new development.

A permit may be granted to construct a building or constructor carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a fence.	Clause 59.05

## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works for: <ul style="list-style-type: none"> <li>A carport, garage, pergola, verandah, deck, shed or similar structure.</li> <li>An outdoor swimming pool.</li> </ul> The buildings and works must be associated with a dwelling.	Clause 59.05
Construct a building or construct or carry out works with an estimated cost of up to \$1,000,000 where the land is in an industrial zone.	Clause 59.05
Construct a building or construct or carry out works with an estimated cost of up to \$500,000 where the land is in a commercial zone or a Special Use, Comprehensive Development, Capital City, Docklands, Priority Development or Activity Centre Zone.	Clause 59.05

## Exemption from notice and review

A schedule to this overlay may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 43.02-3

31/07/2018  
VC148

## Subdivision

## Permit requirement

A permit is required to subdivide land.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

Subdivision must occur in accordance with any lot size or other requirements specified in a schedule to this overlay.

A permit may be granted to subdivide land which is not in accordance with any lot size or other requirement in a schedule to this overlay, unless the schedule specifies otherwise.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>The area of either lot is reduced by less than 15 percent.</li> <li>The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> </ul>	Clause 59.02

## MORNINGTON PENINSULA PLANNING SCHEME

Class of application	Information requirements and decision guidelines
<ul style="list-style-type: none"> <li>An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	
Subdivide land into 2 lots if:	Clause 59.02
<ul style="list-style-type: none"> <li>The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>Has started lawfully.</li> </ul> </li> <li>The subdivision does not create a vacant lot.</li> </ul>	
Exemption from notice and review	
<p>A schedule to this overlay may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.</p>	
<p>43.02-4 31/07/2018 VC148</p>	<p>Signs</p> <p>Sign requirements are at Clause 52.05 unless otherwise specified in a schedule to this overlay</p>
<p>43.02-5 31/07/2018 VC148</p>	<p>Application requirements</p> <p>An application must be accompanied by any information specified in a schedule to this overlay</p>
<p>43.02-6 31/07/2018 VC148</p>	<p>Decision guidelines</p> <p>Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:</p> <ul style="list-style-type: none"> <li>The Municipal Planning Strategy and the Planning Policy Framework.</li> <li>The design objectives of the relevant schedule to this overlay</li> <li>The provisions of any relevant policies and urban design guidelines.</li> <li>Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.</li> <li>Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion and scale of any identified heritage places surrounding the site.</li> <li>Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.</li> <li>The layout and appearance of areas set aside for car parking, access and egress loading and unloading and the location of any proposed off street car parking</li> <li>Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.</li> <li>Any other matters specified in a schedule to this overlay</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 1 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO1.

## TOWNSHIP DESIGN

## 1.0

22/07/2021  
C255morn

## Design objectives

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.

To protect shared viewlines where reasonable and practical.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.

To ensure that subdivision and development proposals have proper regard to heritage values, including those of adjoining foreshore areas.

To ensure that buildings do not encroach visually on foreshore areas or main roads.

To ensure that the traffic generated by medium density residential development does not detrimentally affect the safety, efficiency or amenity of existing residential streets or main roads.

To indicate residential areas adjacent to the foreshore and commercial centres of Rosebud and Dromana that will provide for a range of medium density residential living in conjunction with a limited range of service and leisure based commercial uses.

## 2.0

22/07/2021  
C255morn

## Buildings and works

## No permit required

A permit is not required to construct a building or for a constructor to carry out works for any of the following, but only if the General requirements set out in this schedule are met.

- A single dwelling on a lot. This does not include a dwelling on a lot that adjoins Point Nepean Road.
- A dependent person's unit.

Note: The Mandatory requirements of this schedule also apply.

## Permit required

An application to construct a building or for a constructor to carry out works should meet the General requirements of this schedule.

Note: The Mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or for a constructor to carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7, 54.04-2, 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

## MORNINGTON PENINSULA PLANNING SCHEME

## General requirements

- Buildings must be setback at least 10 metres from a Public Park and Recreation Zone, Public Conservation and Resource Zone or the Nepean Highway and the first 5 metres must be landscaped to the satisfaction of the responsible authority
- No building may exceed a wall height of 5.5 metres or a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised.

## Mandatory requirements

The following requirements apply, as appropriate to all buildings and works, whether or not a permit is required.

## Maximum building height

A building must have a maximum building height of no more than 10 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.
  - The footprint of the upper storey existing at the approval date, is not increased by more than 10 per cent.

These requirements cannot be varied with a permit.

## 3.0

22/07/2021  
C255morn

## Subdivision

None specified.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and on the amenity and accessibility of areas of public open space.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
- The suitability of each lot to accommodate a dwelling.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO2.

## BAYSIDE AND VILLAGE DESIGN

## 1.0

22/07/2021  
C255morn

## Design objectives

To ensure that the design of subdivision and housing is responsive to the environment, landform, site conditions and character of coastal and bayside residential areas and rural villages.

To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all wastewater on site and the impact of development on groundwater conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.

To recognise areas where substantial vegetation cover is a dominant visual and environmental feature of the local area by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.

To protect shared viewlines where reasonable and practical.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To ensure that subdivision and development proposals have proper regard to heritage values, including those of areas such as the Ranelagh Estate in Mt Eliza and the Sorrento Heritage Precinct.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape,

To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.

To recognise areas with limited access to infrastructure services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

## 2.0

20/01/2022  
VC205

## Buildings and works

## No permit required

A permit is not required to construct a building or for a constructor to carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A single dwelling.
- A dwelling extension.
- An outbuilding.
- A dependent person's unit.

Note: The Mandatory requirements of this schedule also apply.



## MORNINGTON PENINSULA PLANNING SCHEME

## Permit required

An application to construct a building or constructor carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable, unnecessary and no significant loss of amenity will result.

Note: The Mandatory requirements of this schedule also apply

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or constructor carry out works associated with one dwelling on a lot

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7, 54.04-2, 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

A permit is required to construct a fence if:

- The side or rear fence is more than 2.0 metres in height.
- The front fence is more than 1.8 metres in height.
- The front fence is less than 50 per cent transparent.
- The fence is located 6 metres or less from any public foreshore and, cliff edge or cliff face.
- The fence is constructed of fibro cement sheet materials.

## General requirements

- No building may exceed a wall height of 5.5 metres or a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised.
- All buildings must be located at least 10 metres from land within a Public Park and Recreation Zone, Public Conservation and Resource Zone, Special Use Zone Schedule 8, Transport Zone 2 or Transport Zone 3 and at least 6 metres from any cliff edge.
- Buildings must be setback at least 7.5 metres from a road frontage and 3 metres from any side road boundary. Where all adjoining lots fronting the same road have been developed the frontage setback may be reduced to the average setback of development on the adjoining lots.
- A building containing more than one storey must not provide access to a roof area, deck, veranda or the like which has a level higher than the floor level of the upper storey.
- More than half of the external wall cladding of any dwelling must consist of brick, masonry timber, simulated weatherboard or other materials approved by the responsible authority.
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25 per cent, the colours may match that of the existing development.
- A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building.

## MORNINGTON PENINSULA PLANNING SCHEME

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

- Within the Birdrock/Clarke's Avenue precinct shown in Map 1 below:
  - The total site coverage of all buildings must not exceed 50 per cent.
  - At least 40 per cent of the site must remain open/permeable.
  - There must be provision for at least 90 square metres of private open space for each dwelling.

Map 1 to Schedule 2 to Clause 43.02



#### Mandatory requirements

The following requirements apply, as appropriate to all buildings and works, whether or not a permit is required.

#### Sewerage and drainage

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority
- A reticulated drainage system or an alternative approved by the responsible authority

These requirements cannot be varied with a permit.

#### Maximum building height

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A building in the area located to the north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington-Flinders Road, Bittern-Dromana Road and Disney Street but only if the building is 2 storeys or less above natural ground level.
- A place of assembly building
- A leisure and recreation building
- A utility installation building

## MORNINGTON PENINSULA PLANNING SCHEME

- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.
  - The footprint of the upper storey existing at the approval date, is not increased by more than 10 per cent.

These requirements cannot be varied with a permit.

#### Number of dwellings

No more than one dwelling, excluding a dependent person's unit, may be constructed on a lot. This does not apply to dwellings that are in accordance with an approved development plan under Clause 43.04. A permit to vary the requirement that no more than one dwelling be constructed on a lot must meet the following requirements:

- The proposal involves no more than two dwellings for every 1300 square metres of site area.
- Applications for approval must include a site analysis and site development plan that responds to the design objectives of this schedule.
- This provision has not been previously applied to any of the land involved in the application.

These requirements cannot be varied with a permit except for land that has frontage to Osborne Drive, is 4 or 6 Morrisons Avenue or 3 Clarkes Avenue, Mount Martha in the Birdrock/Clarkes Avenues precinct, where all of the following requirements are met:

- The lot has an area of 900 square metres or greater
- The application proposes no more than two dwellings on the lot.
- The total site coverage of buildings is not more than 50 per cent.
- At least 40 per cent of the site remains open/permeable.
- There is provision for at least 90 square metres of private open space for each dwelling.
- Existing vegetation is retained as far as practical.
- The developments served by a single driveway, except on corner lots, with a width of no more than 4.5 metres.

### 3.0

22/07/2021  
C255morn

#### Subdivision

The average area of all lots within a subdivision must be no less 1300 square metres and each lot must be able to contain a rectangle with minimum dimensions of 20 metres x 30 metres. These requirements do not apply to lots that are in compliance with a structure plan under Clause 45.05 or a development plan under Clause 43.04.

Land that is capable of further subdivision is excluded from the calculation of average lot area. The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation over and above that which may be required under Section 18 of the Subdivision Act 1988 may be included in the calculation of average lot area.

## MORNINGTON PENINSULA PLANNING SCHEME

Battle-axdots must have a minimum frontage of six metres shared by up to four lots. The minimum dimension of the rectangle contained within a battle-axdot may be reduced to 18 metres.

These requirements cannot be varied with a permit unless either:

- All of the following requirements are met:
  - The subdivision is proposed in conjunction with an application for the development of more than one dwelling on a lot.
  - Applications for approval must include a site analysis and site development plan that responds to the design objectives of this schedule to the satisfaction of the responsible authority
  - The subdivision creates no more than two lots for every 1300 square metres of site area or no more than two lots from any existing lot with an area of 900 square metres or greater that has frontage to Osborne Drive, is 4 or 6 Morrisons Avenue or 3 Clarkes Avenue, Mount Martha in the Birdrock/Clarkes Avenue precinct.
  - Each of the lots is to contain a single dwelling, except that a dependent person's unit may also be constructed on a lot.
  - This provision has not been previously applied to any of the land involved in the application.
- Any of the following requirements are met:
  - The subdivision realigns the boundary between existing lots, provided a new lot or additional subdivision potential is created.
  - Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.
  - The subdivision excises land for a road, utility installation or other public purpose.

## 4.0

22/07/2021  
C255morn

## Signs

Nonespecified.

## 5.0

22/07/2021  
C255morn

## Application requirements

Nonespecified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshore areas of remnant vegetation areas prone to erosion.
- The effect of any proposed subdivision or development on the amenity and accessibility of areas of public open space.

## MORNINGTON PENINSULA PLANNING SCHEME

- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 3 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO3.

## COAST AND LANDSCAPE DESIGN

## 1.0

22/07/2021  
C255morn

## Design objectives

To ensure that the design of subdivision and housing is responsive to the environment, landform, site conditions and character of coastal villages, hillsides and cliff top areas.

To avoid higher densities of development in areas subject to instability, erosion or potential fire hazard and to minimise the extent of required earthworks.

To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all wastewater on site and the impact of development on groundwater conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.

To recognise areas where substantial vegetation cover is a dominant visual and environmental feature of the local area by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.

To protect shared viewlines where reasonable and practical.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To ensure that subdivision and development proposals have proper regard to heritage values and coastal landscapes, including those of areas such as the Portsea Cliff top area, the Sorrento Heritage Precinct and the Ranelagh Estate in Mount Eliza.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.

To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.

To ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

To recognise areas with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

## 2.0

20/01/2022  
VC205

## Buildings and works

No permit required

A permit is not required to construct a building or for a constructor to carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A dwelling extension or alteration.
- An outbuilding.
- A dependent person's unit.

## MORNINGTON PENINSULA PLANNING SCHEME

Note: The Mandatory requirements of this schedule also apply.

## Permit required

An application to construct a building or constructor carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable, unnecessary, and no significant loss of amenity will result.

Note: The Mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or constructor carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7, 54.04-2, 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

A permit is required to construct a fence if:

- The side or rear fence is more than 2.0 metres in height.
- The front fence is more than 1.8 metres in height.
- The front fence is less than 50 percent transparent.
- The fence is located 6 metres or less from any public foreshore and, cliff edge or cliff face.
- The fence is constructed of fibro cement sheet materials.

## General requirements

- All buildings and works must be located on land with a slope of less than 20 percent.
- Buildings must not be located on a ridge.
- No building may exceed a wall height of 5.5 metres or a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre and must be properly battered or retained.
- All buildings must be located at least 10 metres from any land within a Public Park and Recreation Zone, Public Conservation and Resource Zone, Special Use Zone Schedule 8, Transport Zone 2 or Transport Zone 3 and at least 6 metres from any cliff edge.
- Buildings must be setback at least 7.5 metres from a road frontage and 3 metres from any side road boundary. Where a dwelling on an adjoining lot that fronts the same road is setback less than 7.5 metres, the minimum setback is the same as that of the adjoining dwelling.
- On a lot with frontage to Rendlesham Avenue, Rosserdal Crescent or Canadian Bay Rd, Mount Eliza, a building must be setback from any boundary which adjoins a Special Use Zone at least 10 metres or the average of the setbacks of any buildings on abutting lots, whichever is the greater.
- A building containing more than one storey must not provide access to a roof area, deck, veranda or the like which has a level higher than the floor level of the upper storey.
- More than half of the external wall cladding of any dwelling must consist of brick, masonry timber, simulated weatherboard or other materials approved by the responsible authority.
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40 percent reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or

## MORNINGTON PENINSULA PLANNING SCHEME

less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25 percent, the colours may match that of the existing development.

- A building must not be a relocated building or moveable structure such as a tram car or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building.

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

## Mandatory requirements

The following requirements apply, as appropriate to all buildings and works, whether or not a permit is required.

## Sewerage and drainage

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority
- A reticulated drainage system or an alternative approved by the responsible authority

These requirements cannot be varied with a permit.

## Maximum building height

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A building in the area located to the north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington-Flinders Road, Bittern-Dromana Road and Disney Street but only if the building is 2 storeys or less above natural ground level.
- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.
  - The footprint of the upper storey existing at the approval date, is not increased by more than 10 percent.

These requirements cannot be varied with a permit.



## MORNINGTON PENINSULA PLANNING SCHEME

## Number of dwellings

No more than one dwelling, excluding a dependent person's unit, may be constructed on a lot. This does not apply to dwellings that are in accordance with an approved development plan under Clause 43.04. This requirement cannot be varied with a permit.

## 3.0

22/07/2021  
C255morn

## Subdivision

Where land is within a General Residential Zone or Neighbourhood Residential Zone, the average area of all lots within a subdivision must be no less than 1500 square metres and each lot must be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres. These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.

Where land is within a Low Density Residential Zone each lot within a subdivision must have an area of at least 4000 square metres.

Land that is capable of further subdivision is excluded from the calculation of average lot area.

The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation over and above that which may be required under Section 18 of the Subdivision Act 1988 may be included in the calculation of average lot density.

These requirements cannot be varied with a permit unless any of the following requirements are met:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.
- The subdivision excises land for a road, utility installation or other public purpose.

## 4.0

22/07/2021  
C255morn

## Signs

Not specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

Not specified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines for shore areas of

## MORNINGTON PENINSULA PLANNING SCHEME

remnant vegetation areas prone to erosion and on the amenity and accessibility of areas of public open space.

- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 4 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO4.

## ENVIRONMENTAL DESIGN

## 1.0

22/07/2021  
C255morn

## Design objectives

To ensure the appropriate design of subdivision and housing in areas of semi-stabilised dunes where the danger of soil erosion in steep and sandy conditions requires that particular care be exercised in the carrying out of all building and works and the clearing of existing natural vegetation.

To minimise the extent of earthworks in areas prone to erosion.

To ensure that any works associated with detached housing development within the environmentally sensitive Wild Coast area is carried out with proper regard to the physical characteristics of each site and the proximity of the area to the Point Nepean National Park.

To avoid higher densities of development in areas subject to instability and erosion or potential fire hazard.

To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all wastewater on site and the impact of development on groundwater conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.

To recognise areas including Mt Eliza, where substantial vegetation cover is a dominant visual and environmental feature of the local area, by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

To ensure that subdivision and development proposals have proper regard to heritage values.

To recognise the landscape character of environmentally sensitive areas including the National Trust recorded landscape of the Mt Eliza escarpment.

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, and to protect shared viewlines where reasonable and practical.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.

To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.

To recognise areas with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

## 2.0

20/01/2022  
VC205

## Buildings and works

## No permit required

A permit is not required to construct a building or for a constructor to carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

## MORNINGTON PENINSULA PLANNING SCHEME

- A singledwelling.
- A dwelling extensionor alteration.
- An outbuilding.
- A dependenperson's unit.

Note: TheMandatoryrequirements of this schedulealso apply

## Permit required

An applicationto constructa building or constructor carry out works shouldmeetthe General requirements of this scheduleexceptwhereit hasbeendemonstratedto the satisfactionof the responsible authority thatcomplianceis unreasonable unnecessary andno loss of amenitywill result.

Note: TheMandatoryrequirements of this schedulealso apply

In the GeneralResidentialZoneor NeighbourhoodResidentialZone, an applicationto construct a building or constructor carry out works associatedwith onedwelling on a lot:

- Must complywith Clause54.01.
- Must meetall of the objectivesandshouldmeetall of the standards of Clause54.02,54.03-3, 54.03-4,54.03-5,54.03-6,54.03-7,54.04-2,54.04-3,54.04-4,54.04-5,54.04-6,54.05,54.06-1.
- Must meetthe objectives of Clauses54.03-1,54.03-2and54.04-1.

A permitis requiredto constructa fenceif:

- The sideor rearfenceis morethan2.0 metresin height.
- The front fenceis morethan1.8 metresin height.
- The front fenceis less than50 per centtransparent.
- The fenceis located6 metresor less from any public foreshordand, cliff edgeor cliff face.
- The fenceis constructed of fibro cementsheetmaterials.

## General requirements

- Wall andbuilding heights mustcomply with the following table:

Land	Wall height	Building height
The land bounded by Truemans Road, the proposed Mornington Peninsula Freeway, Melbourne Road, Hotham Road, Back Beach Road, London Bridge Road and the boundary of the Mornington Peninsula National Park	4.5 metres or less	5 metres or less
All other land	5.5 metres or less	6 metres or less

- Buildings andworks mustnot be locatedon a ridge top.
- The differencebetween finishedground level and naturalground level as a result of excavation andfilling mustnot exceedone metreand must be properly battered or retained.
- All buildings must be locatedat least10 metres from any Public Park and RecreationZone, Public Conservation and ResourceZone, TransportZone2 or TransportZone3 and at least6 metres from any cliff edge.
- Buildings must be setbackat least15 metres from a road frontageand 5 metres from any side road boundary This may be reduced to 7.5 metres from a road frontage where the lot has an area of less than 1500 square metres.

## MORNINGTON PENINSULA PLANNING SCHEME

- A building containing more than one storey must not provide access to a roof area, deck, veranda or the like which has a level higher than the floor level of the upper storey
- More than half of the external wall cladding of any dwelling must consist of brick, masonry timber, simulated weatherboard or other materials approved by the responsible authority
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25 per cent, the colours may match that of the existing development.
- A building must not be a relocated building or moveable structure such as a tram car or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building.

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, veranda eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

## Mandatory requirements

The following requirements apply, as appropriate to all buildings and works, whether or not a permit is required.

## Sewerage and drainage

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority
- A reticulated drainage system or an alternative approved by the responsible authority

These requirements cannot be varied with a permit.

## Maximum building height

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level.

This does not apply to any of the following:

- A building in the area located to the north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington-Flinders Road, Bittern-Dromana Road and Disney Street but only if the building is 2 storeys or less above natural ground level.
- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.

## MORNINGTON PENINSULA PLANNING SCHEME

- The maximum building height of the existing building is not exceeded.
- The external bulk of the existing building is not significantly increased.
- The footprint of the upper storey existing at the approval date, is not increased by more than 10 per cent.

These requirements cannot be varied with a permit.

## Number of dwellings

No more than one dwelling, excluding a dependent person's unit, may be constructed on a lot. This requirement cannot be varied with a permit unless the land is located within one of the following areas and the specified requirements are met:

- The land is located between Jacksons Road and Williams Road, west of Watts Parade Mt Eliza and no more than one dwelling is proposed for every 2600 square metres of site area.
- The land is located east of Canadian Bay Road, Mt Eliza (other than in the area between Jacksons Road and Williams Road, West of Watts Parade Mt Eliza) and no more than two dwellings are proposed for every 2600 square metres of site area.
- The land is located west of Trueman's Road and north of the proposed Mornington Peninsula Freeway in Rye and no more than one dwelling is proposed for every 2000 square metres of site area.
- This provision has not been previously applied to any of the land involved in the application.

## 3.0

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## Subdivision

A subdivision must meet all of the requirements specified for the land in the table to this schedule. This does not apply to any of the following:

- A subdivision in accordance with a restructuring plan under Clause 45.05 or a development plan under Clause 43.04.
- A subdivision to realign the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- For land that contains two or more dwellings that lawfully existed at the approval date, a subdivision that proposes to create a separate lot for each of those dwellings.
- A subdivision to excise land for a road, utility installation or other public purpose.

Table to Design and Development Overlay - Schedule 4

Land	Subdivision requirements
Land located at 1/392A, 2/392A, 3/392A, 392B, 420, 422, 424 and 426 Sandy Road, St Andrews Beach located on the north side of Sandy Road, east of Banyan Street.	<ul style="list-style-type: none"> <li>▪ Each lot must be at least 5,000 square metres.</li> <li>▪ Each lot must show a development envelope capable of accommodating all buildings, effluent disposal envelopes, clearings for dwelling open outdoor space and vegetation management areas to mitigate fire risk.</li> <li>▪ The configuration of all lots and the delineation of development envelopes should: <ul style="list-style-type: none"> <li>- Avoid the removal of existing vegetation and provide for revegetation, particularly on elevated areas, steep land and around the perimeter of lots; and</li> <li>- Avoid development on land with a ground slope greater than 25 per cent.</li> </ul> </li> <li>▪ The number of access points to Sandy Road must be minimised.</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

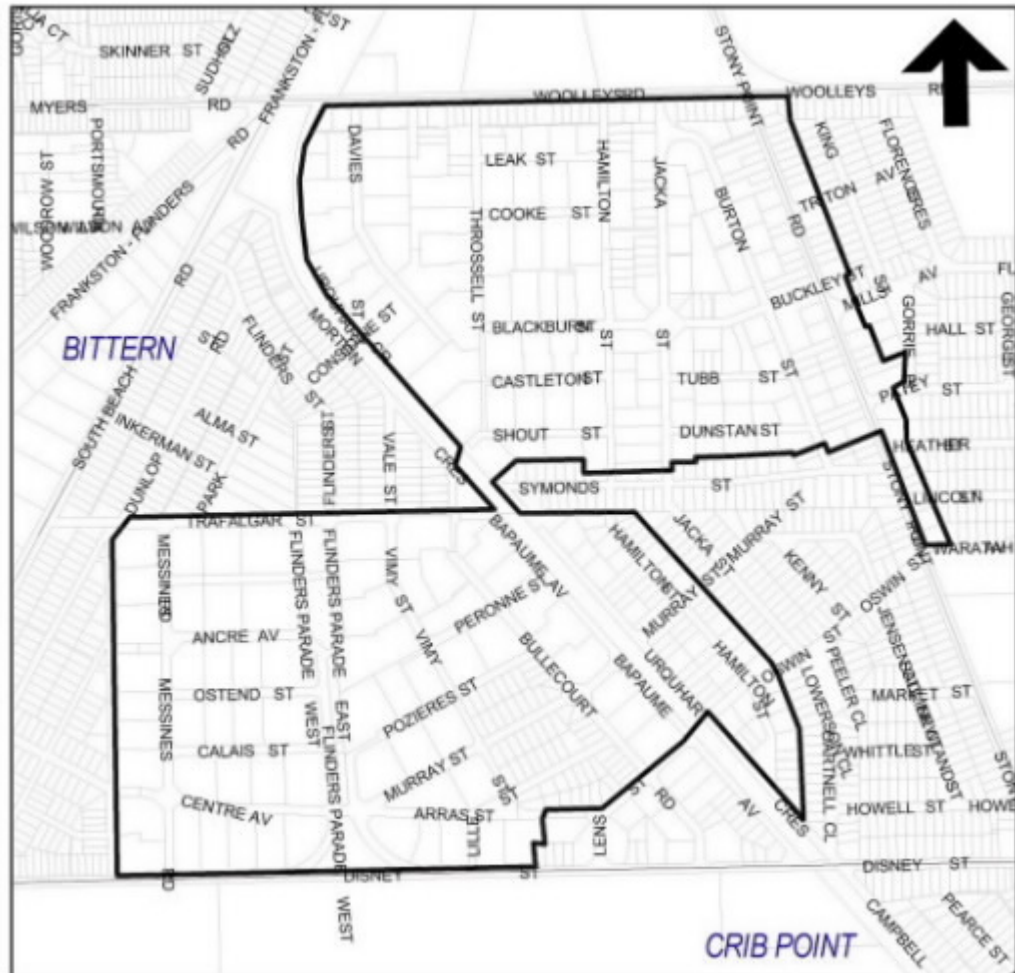
Land	Subdivision requirements
Land located at 1440 (Lot 2, LP 91280, Vol 8877 Fol 905) Frankston-Flinders Road Tyabb.	<ul style="list-style-type: none"> <li>▪ Lots abutting the northern boundary must: <ul style="list-style-type: none"> <li>– be at least 3,000 square metres; and,</li> <li>– have a building envelope that is setback at least: <ul style="list-style-type: none"> <li>▪ 32 metres from a rear lot boundary;</li> <li>▪ 5 metres from side boundaries; and</li> <li>▪ 10 metres from a frontage.</li> </ul> </li> </ul> </li> <li>▪ Other lots must be at least 1,200 square metres.</li> </ul>
Land outlined in Map 1 to this schedule.	Each lot must be at least 1 hectare.
Land located between Jacksons Road and Williams Road, west of Watts Parade, Mt Eliza.	Each lot must be at least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres.
Land located east of Canadian Bay, Mt Eliza (other than between Jacksons Road and Williams Road, west of Watts Parade, Mt Eliza).	Each lot must be: <ul style="list-style-type: none"> <li>▪ At least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres; or,</li> <li>▪ In the case of an integrated subdivision*, there must be no more than two lots for every 2,600 square metres of site area.</li> </ul>
Land located west of Truemans Road and north of the proposed Mornington Peninsula Freeway in Rye.	Each lot must be: <ul style="list-style-type: none"> <li>▪ At least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres; or</li> <li>▪ In the case of an integrated subdivision*, at least 2,000 square metres.</li> </ul>
Other land	Each lot must be at least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres.

\*An integrated subdivision is a subdivision proposed in conjunction with an application for more than one dwelling on a lot where:

- None of the land has been involved in a previously approved integrated subdivision;
- Each of the proposed lots is for a single dwelling only, except that a dependent person's unit may also be constructed on a lot; and,
- The application includes a site analysis and site development plan that responds to the design objectives of the schedule to the satisfaction of the responsible authority.

## MORNINGTON PENINSULA PLANNING SCHEME

Map 1 to Schedule 4 to Clause 43.02



These requirements cannot be varied with a permit.

## 4.0

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## Signs

Nonespecified.

## 5.0

22/07/2021  
C255morn

## Application requirements

Nonespecified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.



## MORNINGTON PENINSULA PLANNING SCHEME

- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and the amenity and accessibility of open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

## MORNINGTON PENINSULA PLANNING SCHEME

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## SCHEDULE 5 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO5.

## LOW DENSITY – WILDCOAST PROTECTION AREA

## 1.0

22/07/2021  
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## Design objectives

To ensure the appropriate design of subdivision and housing in the environmentally sensitive Wildcoast protection area and to minimise the extent of earthworks in areas prone to erosion.

To ensure developments carried out with proper regard to the unstable nature of the dunes.

To ensure that any works associated with development in the environmentally sensitive Wildcoast area is carried out with proper regard to the physical characteristics of each site and the proximity of the area to the Point Nepean National Park.

To avoid higher densities of development in areas subject to instability and erosion.

To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Particular consideration must be given to the ability to contain all wastewater on site and the impact of development on groundwater conditions.

To recognise areas where substantial vegetation cover is a dominant visual and environmental feature of the local area, by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

To ensure that subdivision and development proposals have proper regard to heritage values, including those of adjoining foreshore areas.

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, and to protect shared viewlines where reasonable and practical.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.

To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.

To recognise areas with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

## 2.0

22/07/2021  
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## Buildings and works

## No permit required

A permit is not required to construct a building or for a constructor to carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A dependent person's unit.

Note: The Mandatory requirements of this schedule also apply.

## MORNINGTON PENINSULA PLANNING SCHEME

## Permit required

An application to construct a building or constructor carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority that all of the following apply:

- Where buildings or works (including effluent disposal system, earthworks and vegetation removal) are located on any ridge or on land having a slope of 20 percent or more, an alternative siting is not available on the land.
- Where an alternative siting of a building is proposed a development envelope of 800 square metres meeting the siting criteria of the General requirements is not available on the land.
- Compliance is unreasonable or unnecessary and no loss of amenity will result from approval of the variation.

Note: The Mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or constructor carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7, 54.04-2, 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clause 54.03-1, 54.03-2 and 54.04-1.

A permit is required to construct a fence if:

- The side or rear fence is more than 2.0 metres in height.
- The front fence is more than 1.8 metres in height.
- The front fence is less than 50 per cent transparent.
- The fence is located 10 metres or less from any public foreshore and.
- The fence is constructed of fibro cement sheet materials.

## General requirements

- All buildings and works must be located on land with a slope of less than 20 per cent.
- Buildings and works must not be located on a ridge top.
- No building may exceed a wall height of 4.5 metres or a building height of 5 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre and must be properly battered or retained.
- All buildings must be located at least 10 metres from any Public Park and Recreation Zone or Public Conservation and Resource Zone.
- Buildings must be setback at least 15 metres from a road frontage and 5 metres from any side road boundary.
- The setback of all buildings from other site boundaries must be at least 2 metres.
- A building containing more than one storey must not provide access to a roof area, deck, veranda or the like which has a level higher than the floor level of the upper storey.
- More than half of the external wall cladding of any dwelling must consist of brick, masonry timber, simulated weatherboard or other materials approved by the responsible authority.
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or

## MORNINGTON PENINSULA PLANNING SCHEME

less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25 per cent, the colours may match that of the existing development.

- The building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person's unit or newly prefabricated building.

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

## Mandatory requirements

The following requirements apply, as appropriate to all buildings and works, whether or not a permit is required.

## Sewerage and drainage

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority
- A reticulated drainage system or an alternative approved by the responsible authority

These requirements cannot be varied with a permit.

## Maximum building height

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.
  - The footprint of the upper storey existing at the approval date, is not increased by more than 10 per cent.

These requirements cannot be varied with a permit.

## Number of dwellings

No more than one dwelling, excluding a dependent person's unit, may be constructed on a lot. This requirement cannot be varied with a permit.

## 3.0

22/07/2021  
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## Subdivision

The minimum area of any lot within a subdivision must be no less than 5000 square metres. Each new lot must contain a building envelope with a minimum dimension of 20 metres and a minimum area of 800 square metres, excluding land forming a ridge or having a natural gradient in excess of 20 percent (1:5). These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.

Land that is capable of further subdivision is excluded from the calculation of average lot area.

## MORNINGTON PENINSULA PLANNING SCHEME

The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average dot density.

These requirements cannot be varied with a permit unless any of the following requirements are met:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.
- The subdivision excises land for a road, utility installation or other public purpose.

These requirements cannot be varied with a permit.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshore areas and of remnant vegetation areas prone to erosion and the amenity and accessibility of open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
- The comments of any relevant coastal management or soil conservation authority.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
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## SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO6.

## LOW DENSITY - LANDSCAPE

## 1.0

22/07/2021  
C255morn

## Design objectives

To ensure that the design of low density subdivision and housing is responsive to the environment, landform, site conditions and character of areas generally on the periphery of townships, where more intensive settlement would adversely affect significant landscape values.

To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all wastewater on site and the impact of development on groundwater conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.

To recognise areas where substantial vegetation cover is a dominant visual and environmental feature of the local area, by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.

To protect shared viewlines where reasonable and practical.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and landscapes.

To maintain lots of sufficient area to provide for racehorse training establishments in association with residential use in the vicinity of the Mornington race course and to provide additional protection to the Balcombe Creek.

## 2.0

22/07/2021  
C255morn

## Buildings and works

## No permit required

A permit is not required to construct a building or for a constructor to carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A single dwelling.
- A dwelling extension or alteration.
- An outbuilding.
- A dependent person's unit.

Note: The Mandatory requirements of this schedule also apply.

A permit is not required to construct a fence.

## Permit required

An application to construct a building or for a constructor to carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable or unnecessary and no loss of amenity will result.

Note: The Mandatory requirements of this schedule also apply.

## MORNINGTON PENINSULA PLANNING SCHEME

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or for a constructor to carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7, 54.04-2, 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

## General requirements

- A building must:
  - have a maximum building height of 8 metres or less;
  - contain no more than 2 storeys above natural ground level; and,
  - if more than one storey not provide access to a roof area, deck, veranda or the like which has a level higher than the floor level of the upper storey
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised.
- Buildings and works, including tennis courts and dams must be setback at least:
  - 50 metres from the south side of Bungower Road, Somerville;
  - 40 metres from the north side of Eramosa Road West, Somerville;
  - 25 metres from any other road frontage; and,
  - 10 metres from any other boundary
- More than half of the external wall cladding of any dwelling must consist of brick, masonry timber, simulated weatherboard or other materials approved by the responsible authority
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25 per cent, the colours may match that of the existing development.
- A building must not be a relocated building or moveable structures such as a tramcar or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building.

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, veranda eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

## Mandatory requirements

The following requirements apply, as appropriate to all buildings and works, whether or not a permit is required.

## Sewerage and drainage

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority
- A reticulated drainage system or an alternative approved by the responsible authority

## MORNINGTON PENINSULA PLANNING SCHEME

These requirements cannot be varied with a permit.

#### Number of dwellings

On lands situated outside the urban growth boundary no more than one dwelling may be constructed on a lot. This does not apply to any of the following:

- The extension or alteration of a lawfully existing dwelling.
- The replacement of an existing dwelling if the existing dwelling is removed or altered (so it cannot longer be used as a dwelling) within one month of the occupation of the replacement dwelling.

These requirements cannot be varied with a permit.

### 3.0

22/07/2021  
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#### Subdivision

The average area of new lots within a subdivision must be no less than 1 hectare and each lot must be able to contain a rectangle with a minimum dimension of 50 metres. Each lot must have an area of at least 4000 square metres. These requirements do not apply to lots that are in compliance with a restructuring plan under Clause 45.05 or a development plan under Clause 43.04.

Battle-axe lots must have a minimum frontage of 20 metres shared by up to 4 lots with reciprocal access rights, unless the responsible authority is satisfied that safe and appropriate access can be achieved with a lesser frontage.

Land that is capable of further subdivision is excluded from the calculation of average lot area.

The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation over and above that which may be required under Section 18 of the Subdivision Act 1988 may be included in the calculation of average lot density.

These requirements cannot be varied with a permit unless any of the following requirements are met:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposed to create separate lots for each dwelling.
- The subdivision excises land for a road, utility installation or other public purpose.

### 4.0

22/07/2021  
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#### Signs

None specified.

### 5.0

22/07/2021  
C255morn

#### Application requirements

None specified.

### 6.0

22/07/2021  
C255morn

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.



## MORNINGTON PENINSULA PLANNING SCHEME

- The effect of any proposed subdivision or development, including demolition, on the heritage values of the site and of the local area.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and the amenity and accessibility of open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
- The comments of any relevant coastal management or soil conservation authority

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
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## SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps DDO7.

## LOW DENSITY - ENVIRONMENTAL

## 1.0

22/07/2021  
C255morn

## Design objectives

To ensure that the design of low density subdivision and housing is responsive to the environment, landform, site conditions and character of areas. These are areas generally on the periphery of townships where more intensive settlement would adversely affect environmental features including streamlines, wetlands and bushland habitat areas or where other land use factors including proximity to extractive industry sites, require a limited population density.

To prevent the overdevelopment of sensitive areas resulting in environmental and landscape degradation.

To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all wastewater on site and the impact of development on groundwater conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.

To recognise areas where substantial vegetation cover is a dominant environmental and landscape feature, by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, and to protect shared viewlines where reasonable and practical.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and landscapes.

To maintain lots of sufficient area to provide for racehorse training establishments in association with residential use and to provide additional protection to the Balcombe Creek.

To maintain the existing open landscape which defines the Bittern township boundaries.

## 2.0

22/07/2021  
C255morn

## Buildings and works

## No permit required

A permit is not required to construct a building or for a constructor to carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A single dwelling.
- A dwelling extension or alteration.
- An outbuilding.
- A dependent person's unit.

Note: The Mandatory requirements of this schedule also apply.

A permit is not required to construct a fence.

## MORNINGTON PENINSULA PLANNING SCHEME

## Permit required

An application to construct a building or constructor carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable, unnecessary, and no loss of amenity will result.

Note: The Mandatory requirements of this schedule also apply

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or constructor carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7, 54.04-2, 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

## General requirements

- A building must:
  - have a maximum building height of 8 metres or less;
  - contain no more than 2 storeys above natural ground level; and,
  - if more than one storey not provide access to a roof area, deck, veranda or the like which has a level higher than the floor level of the upper storey
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised.
- All buildings and works, including tennis courts and dams, must be setback at least:
  - 50 metres from the south side of Bungower Road, Somerville;
  - 50 metres from the west side of Lower Somerville Road, Somerville between Bungower Road and Golf Links Road;
  - 40 metres from the north side of Eramosa Road West, Somerville;
  - 25 metres from any other road frontage; and,
  - 10 metres from any other boundary
- A dwelling must not be located within 200 metres of an extractive industry site.
- More than half of the external wall cladding of any dwelling must consist of brick, masonry timber, simulated weatherboard or other materials approved by the responsible authority
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40% reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, and/or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25%, the colours may match that of the existing development.
- A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building.

## MORNINGTON PENINSULA PLANNING SCHEME

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

## Mandatory requirements

The following requirements apply, as appropriate to all buildings and works, whether or not a permit is required.

## Sewerage and drainage

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority
- A reticulated drainage system or an alternative approved by the responsible authority

These requirements cannot be varied with a permit.

## 3.0

22/07/2021  
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## Subdivision

The average area of lots within a subdivision must be at least 2 hectares except that:

- The average area of lots within a subdivision between Frankston Flinders Road and Stony Point Road, north of Woolleys Road, Crib Point must be no less than 8 hectares.
- The average area of lots within a subdivision between Roberts Road and the Balcombe Creek, Mornington must be no less than 4 hectares.
- The average area of lots within a subdivision between Baldock Road, Bungower Road and the railway reserve, Mornington must be no less than 4 hectares.

Each lot must be able to contain a rectangle with a minimum dimension of 100 metres. Each lot must have a minimum area of 1 hectare. These requirements do not apply to lots that are in compliance with a restructuring plan under Clause 45.05 or a development plan under Clause 43.04.

Battleaxe lots must have a minimum frontage of 20 metres, shared by up to 4 lots with reciprocal access rights, unless the responsible authority is satisfied that safe and appropriate access can be achieved with a lesser frontage.

Land that is capable of further subdivision is excluded from the calculation of average lot area.

The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot density.

These requirements cannot be varied with a permit unless any of the following requirements are met:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposed to create separate lots for each dwelling.
- The subdivision excises land for a road, utility installation or other public purpose.

These requirements cannot be varied with a permit.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- The effect of any proposed subdivision or development, including demolition, on the heritage values of the site and of the local area.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and the amenity and accessibility of open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
- The comments of any relevant coastal management or soil conservation authority.
- The maintenance of an appropriate separation between housing and extractive industry sites in accordance with buffer distances recommended by the Environment Protection Authority or Department of Natural Resources and Environment.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
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## SCHEDULE 9 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO9..

## ACOUSTIC DESIGN

## 1.0

22/07/2021  
C255morn

## Design objectives

To protect residents from external noise that may reasonably be expected from nearby industrial or business uses.

## 2.0

22/07/2021  
C255morn

## Buildings and works

Buildings must be sited and designed to locate noise-sensitive rooms and secluded private open spaces away from noise sources and be protected by appropriate noise shielding techniques.

Dwellings or other accommodation must be designed to limit noise levels in habitable rooms to those implied by State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1 (SEPPN-1) and to achieve the requirements of State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2 (SEPPN-2) as assessed indoors with windows closed.

## 3.0

22/07/2021  
C255morn

## Subdivision

None specified.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- Whether the applicant has provided a report prepared by a suitably qualified acoustic consultant for any new dwelling or other accommodation, including any significant extensions or alterations.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 10 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO10.

## OCEAN BEACH ROAD, SORRENTO

## 1.0

22/07/2021  
C255morn

## Design objectives

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale, building materials and siting.

To ensure that development proposals are based on an appropriate site analysis and design response process that demonstrates respect for the historic and built form character of the Sorrento town centre.

To promote the creation of a high quality public space along Ocean Beach Road, including the maintenance of visual connection between existing historic buildings and the street.

To ensure that any new development properly addresses the Ocean Beach Road frontage.

To ensure that the existing limestone buildings continue to be a major feature of the streetscape by maintaining the existing building line along Ocean Beach Road.

To ensure the provision of a pedestrian connection between Ocean Beach Road and the Morce Avenue car parking area.

To ensure the proper, safe and efficient functioning of Morce Avenue as an access road to the adjacent public car park.

To provide for a graduated change in building height from both the Ocean Beach Road and Morce Avenue frontages.

## 2.0

22/07/2021  
C255morn

## Buildings and works

## General requirement

An application to construct a building or for a constructor to carry out works must meet the following requirement:

- All new development must provide for pedestrian connection between Ocean Beach Road and Morce Avenue to the satisfaction of the responsible authority.

A permit may be granted to vary this requirement provided the responsible authority is satisfied that the provision of a pedestrian connection on a specific site is not required.

Note: The mandatory requirements of this schedule also apply.

## Mandatory requirements

- An application must include a site analysis and design response explaining in detail how the design of the proposed development responds to the design objectives of this schedule and demonstrates respect for the existing character of the Sorrento town centre, particularly having regard to Local Policy 22.17 Sorrento Historic Precinct Policy - Ocean Beach Road Area sub policy.
- All new development must be connected to:
  - A reticulated sewerage system or an alternative approved by the responsible authority
  - A reticulated drainage system or alternative approved by the responsible authority
- No building may exceed a building height of more than 8 metres or contain more than two storeys above natural ground level at either the Morce Avenue or Ocean Beach Road frontage.
- No building may exceed a maximum building height of 12 metres above natural ground level.

## MORNINGTON PENINSULA PLANNING SCHEME

- No building may be erected closer to Ocean Beach Road than any existing limestone building on the lot.
- The prevailing building line along the Ocean Beach Road frontage must be maintained.
- No development may provide for a retail frontage to Morce Avenue.

These requirements cannot be varied with a permit.

## 3.0

22/07/2021  
C255morn

## Subdivision

Nonespecified.

## 4.0

22/07/2021  
C255morn

## Signs

Nonespecified.

## 5.0

22/07/2021  
C255morn

## Application requirements

Nonespecified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The design objectives of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether the siting and height of any proposed building is consistent with the existing streetscape character, including whether provision for an increased building setback for higher sections of a proposed building is appropriate.



## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 11 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO11.

## MT ELIZA (NORTH OF TOWER ROAD) DEVELOPMENT DESIGN

## 1.0

22/07/2021  
C255morn

## Design objectives

To provide for the site responsive design of subdivision and housing on land generally bounded by Tower Road, Wooralla Drive, The Peninsula School, Marlo Grove and Grice Avenue in Mt Eliza.

To ensure a high standard of subdivision and streetscape design, with guidelines to ensure that private development contributes to the preferred future character of the area as a distinctive and sustainable residential landscape with a garden setting of indigenous and native canopy trees in the front yards and a silhouette of canopy trees in rear yards.

To provide for development densities that recognise the low density character of the area.

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.

To provide for the retention and protection of native vegetation in accordance with Victoria's Native Vegetation Management: A Framework for Action (Department of Natural Resources and Environment 2002), with a net gain outcome as defined in the Framework where native vegetation is proposed to be removed as part of a land use or development proposal.

To provide for the location of roads and, where appropriate, provision of expanded road reserves to encourage the retention of existing native vegetation and to minimise vehicular access from lots directly on to Wooralla Drive and Tower Road.

To support better utilization of existing public infrastructure.

To provide for infrastructure services in a manner which minimises environmental impact.

To provide for appropriate traffic management along Tower Road and Wooralla Drive.

To provide for stormwater management which results in no net increase in the rate of off site stormwater discharge to the local creek system.

To ensure equitable contributions from landowners to the provision and/or upgrading of required infrastructure including open space areas.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings and open space areas, including roadside areas.

To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.

To recognise areas with limited access to infrastructure services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

## 2.0

22/07/2021  
C255morn

## Buildings and works

## No permit required

A permit is not required to construct a building or for a constructor to carry out works for any of the following, but only if the general requirements set out in this schedule are met:

- A single dwelling.

## MORNINGTON PENINSULA PLANNING SCHEME

- A dwelling extension.
- An outbuilding.
- A dependent person's unit.

Note: The mandatory requirements of this schedule also apply

## Permit required

An application to construct a building or for a constructor to carry out works must meet the general requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable, unnecessary, and no significant loss of amenity will result.

Note: The mandatory requirements of this schedule also apply

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or for a constructor to carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2, 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05 and 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

A permit is required to construct a fence if either:

- The side or rear fence is more than 2.0 metres in height.
- The front fence is more than 1.8 metres in height.
- The front fence is less than 50 per cent transparent.
- The fence is constructed of fibro cement sheet materials.

## General requirements

The following requirements apply, as appropriate to all buildings and works, whether or not a permit is required:

- No building may exceed a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in-ground swimming pool, and all works must be properly battered or stabilised.
- Buildings must be setback at least 7.5 metres from a road frontage and 3 metres from any side road boundary. Buildings adjoining either Tower Road or Wooralla Drive must be setback at least 12 metres from the frontage, with the first 6 metres of the setback landscaped to the satisfaction of the responsible authority.
- A building containing more than one storey must not provide access to a roof area, deck, veranda or the like which has a level higher than the floor level of the upper storey.
- More than half of the external wall cladding of any dwelling must consist of brick, masonry timber, simulated weatherboard or other materials approved by the responsible authority.
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from

## MORNINGTON PENINSULA PLANNING SCHEME

any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25 per cent, the colours may match those of the existing development.

- A building must not be a relocated building or moveable structure such as a tram car or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building.

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

## Mandatory requirements

The following requirements apply, as appropriate to all buildings and works, whether or not a permit is required:

## Sewerage and drainage

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority
- A reticulated drainage system or an alternative approved by the responsible authority

These requirements cannot be varied with a permit.

## Maximum building height

A building must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A place of assembly building.
- A leisure and recreation building.
- A utility installation building.
- A hospital.
- An education centre.

This requirement cannot be varied with a permit.

## Number of dwellings

No more than one dwelling, excluding a dependent person's unit, may be constructed on a lot.

This requirement cannot be varied with a permit.

## 3.0

22/07/2021  
C255morn

## Subdivision

The average area of all lots within a subdivision must be no less than 2,000 square metres, and each lot must have a minimum area of 1,500 square metres and be able to contain a rectangle with minimum dimensions of 20 metres x 30 metres.

Land that is capable of further subdivision is excluded from the calculation of average lot area. The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation over and above that which may be required under section 18 of the Subdivision Act 1988 may be included in the calculation of average lot area.

Battle-axe lots must have a minimum frontage of six metres shared by up to four lots. The minimum dimension of the rectangle contained within a battle-axe lot may be reduced to 18 metres.

Prior to the issue of any permit, the following information must be submitted and approved to the satisfaction of the responsible authority:

## MORNINGTON PENINSULA PLANNING SCHEME

- Details of the proposed stormwater system, including provision for a stormwater tank for each proposed lot, must be provided to demonstrate no net increase in the rate of off-site discharge to the local creek system or alternative drainage arrangements to the satisfaction of the responsible authority.
- A flora and fauna impact assessment by a suitably qualified person, including the identification of trees to be retained or removed and proposals to ensure a net gain outcome in accordance with Victoria's Native Vegetation Management - A Framework for Action (Department of Natural Resources and Environment 2002).
- Landscape Guidelines generally in accordance with the Landscape Issues Report, Wallbrink Consulting, March 2004 Document No. 787RIB.doc, for all road reserves and proposed lots.
- The Landscape Guidelines must address the following matters as appropriate:
  - The management of existing vegetation, including:
    - The location of all existing and proposed planting of vegetation;
    - An assessment of the current condition of significant vegetation;
    - The means of retention and protection of native vegetation, including the provision of an appropriate vegetation corridor adjacent to the natural watercourse;
    - The monitoring and eradication of weeds; and
    - The location of all vegetation to be removed.
- Maximizing landscape opportunities, including the staged establishment and regeneration of a substantial vegetation corridor along Tower Road and Wooralla Drive, including both the road reserves and adjoining private land.
- Guidelines to achieve a net gain outcome in accordance with Victoria's Native Vegetation Management - A Framework for Action (Department of Natural Resources and Environment 2002).
- Energy efficiency and sustainable landscape management and site design.
- Access road design and landscaping.

In considering any application for subdivision, the responsible authority must be satisfied that appropriate provision has been made for:

- The provision of a public open space/walkway connection between Clendon Close and Marlo Grove.
- Provision for traffic impact mitigation works, limited to the portions of Tower Road or Wooralla Drive abutting the subject land, in accordance with a traffic management plan to be submitted and approved to the satisfaction of VicRoads and the responsible authority.
- Minimisation of the number of new access points to Wooralla Drive and Tower Road.
- The construction of any group of driveways providing access to more than two lots as a shared access street.
- No vehicular access from any new lot to Marlo Grove.
- The provision, stabilization and revegetation of a buffer zone along the Earimil Creek watercourse, complemented by provision for a building envelope on any lot adjacent to the watercourse.

Any permit for subdivision or additional residential development other than a single dwelling on a lot existing at the approval date, must include the following condition:

- Prior to commencement of development, the issue of a statement of compliance and Agreement under section 173 of the Planning and Environment Act 1987 must be entered into between the land owner and the responsible authority that requires:

## MORNINGTON PENINSULA PLANNING SCHEME

- The full provision of infrastructure, including reticulated sewerage, to service any new lot or development generally in accordance with the requirements of Clause 55 and 56 of the planning scheme and in accordance with plans and specifications to be submitted and approved to the satisfaction of the responsible authority. All costs of infrastructure provision and upgrading must be met by the landowners with no costs to Mornington Peninsula Shire Council.
- Provision for development contributions, generally in accordance with the Development Contributions Report – Tower Road, Mt Eliza (Option 1) March 2004, prepared by Beveridge Williams & Co Pty Ltd.
- Where proposed development abuts Tower Road or gains access from a road which intersects with Tower Road, the plans must include provision for a roundabout or other traffic control device to the satisfaction of the responsible authority.
- Provision for contributions to public open space:
  - equal to five per cent (5 per cent) of the site area or five per cent (5 per cent) of the site value of the land to be subdivided; and
  - a further five per cent (5 per cent) of either the site area or as a cash in lieu contribution to be applied towards environmental improvement (including conservation and acquisition) in the Mt Eliza area generally provided the calculation of this further 5 per cent may be discounted by the area or site value of any lot that contains a dwelling that exists at the approval date;

provided that the total public open space contribution is equivalent to not less than \$10,000 indexed in accordance with the CPI, for every new lot created.

- Provision for any works or contributions necessary to achieve a net gain outcome in accordance with Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).
- Prior to the further development of any lot, a site development and landscape management plan, demonstrating provision for landscaping generally in accordance with the Landscape Guidelines, must be submitted and approved to the satisfaction of the responsible authority.

A plan must be endorsed as part of any permit showing, as appropriate:

- The orientation and size of lots, including the ability of each lot containing existing native vegetation to accommodate a building envelope that encourages the retention of existing native vegetation.
- The accurate identification of significant native vegetation to be retained or removed as part of the subdivision of the land and development of each lot.
- The delineation of building envelopes for each lot containing native vegetation that encourages the retention of existing native vegetation.
- Provision for landscaping to replace vegetation removed and which will assist to enhance the existing landscape and environmental values of the land, as well as any other measures necessary to achieve a net gain outcome in accordance with Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).
- The location and design of internal roads and external access and egress points, providing for shared property access where practical to do so, with particular regard to safety, efficiency, minimising indigenous vegetation removal and maintaining the existing streetscape and neighbourhood character.

These requirements cannot be varied with a permit unless one of the following applies:

- The subdivision realigns the boundary between existing lots, provided that any lot that is reduced in area retains an area of no less than 2,000 square metres and meets the minimum lot dimension requirements specified in this schedule.

## MORNINGTON PENINSULA PLANNING SCHEME

- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposed to create separate lots for each dwelling.
- The subdivision excised land for a road, utility installation or other public purpose.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of the site and the local area, including the effect on streamlines, foreshores, areas of remnant vegetation and areas prone to erosion.
- The effect of any proposed subdivision or development on the amenity and accessibility of areas of public open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
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## SCHEDULE 12 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO12.

11 CLARKESTOWN AVENUE &amp; 73 – 75 CANADIAN BAY ROAD, MOUNT ELIZA

## 1.0

22/07/2021  
C255morn

## Design objectives

To protect the amenity of existing residents in Clarkestown Avenue and Davies Avenue.

To ensure that future development has regard for the established streetscape character and development pattern of the neighbourhood in terms of building height, scale and siting.

To encourage a form of development which will have no adverse impact on the amenity of nearby residents.

To ensure that future development including the location of vehicular crossings and car parking areas respects and responds to the residential interface with Clarkestown Avenue and Davies Avenue.

To achieve an appropriate transition between commercial and residential precincts in terms of built form, landscaping, traffic management and associated features.

To provide for adequate on-site parking in order to limit potential congestion on streets providing access to nearby residential properties.

## 2.0

22/07/2021  
C255morn

## Buildings and works

The following buildings and works requirements apply to an application to construct a building or for a constructor to carry out works:

## Height

- Buildings and works must not exceed two storeys or a building height of more than 10 metres above natural ground level.

This requirement cannot be varied with a permit.

## Building siting and design

- Development should include articulation of building facades and provision of a greater setback for any upper storey to reduce the apparent height and mass of buildings.
- Building designs should incorporate features to achieve an appropriate transition between commercial and residential precincts. This may include the use of pitched roofs, tiling, face brick work etc which reflect characteristics of residential development in the area.
- Where possible and practical buildings should be orientated primarily towards the existing adjoining car parking areas.
- Development must be designed to limit noise impact on nearby residential areas including the use of acoustic fencing where appropriate.
- All aspects of development including external security lighting, the location of rubbish storage and collection areas, loading and unloading facilities etc must be designed and located to minimise potential impact on the amenity of the adjacent residential areas.

## Access

- Vehicular crossovers must be located so as to ensure the continued safe and efficient use of the road. Vehicular crossovers must not be constructed onto Clarkestown Avenue and if any vehicular access to Davies Avenue is required it should be located as far from the intersection with Clarkestown Avenue as possible.

## MORNINGTON PENINSULA PLANNING SCHEME

- Proposals for development of either site must include provision of either a financial contribution or works in kind, to the satisfaction of the responsible authority, for the construction of traffic control devices at the intersections of Clarkestown Avenue and Canadiar Bay Road and Clarkestown Avenue and Davies Avenue, to discourage through traffic and as far as possible to limit the use of Clarkestown Avenue to local traffic only.
- Proposals for development of either sites should make provision for pedestrian pathways to link on street parking areas on Clarkestown Avenue and Davies Avenue to the new developments.

## Landscaping

- A landscaping plan, to the satisfaction of the responsible authority, must be submitted with applications for buildings and works.
- Landscaping must include vegetation screening along the residential interfaces (which may include the road verges) of Clarkestown Avenue and Davies Avenue to protect the privacy and amenity of adjacent dwellings and to complement the appearance and design of proposed buildings.

## 3.0

22/07/2021  
C255morn

## Subdivision

None specified.

## 4.0

22/07/2021  
C255morn

## Signs

Sign requirements are at Clause 52.05. This zone is in Category 1 – Business Area.

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The effect of the development of proposed buildings on the amenity of abutting residents.
- The character of the area as a whole including a design that is responsive to both the shopping centre, the streetscape and the neighbouring residential dwellings.
- The graduation of development height across the shopping centre, and abutting residential areas.
- The architectural quality and innovative response of the building design.
- The interface with existing housing to the south of Clarkestown Avenue and to the east of Davies Avenue.
- Any loss of privacy caused by overlooking of residential properties to the south of Clarkestown Avenue and to the east of Davies Avenue.
- Whether the building setbacks provided along Clarkestown Avenue and Davies Avenue demonstrate appropriate consideration of the streetscape and the residential interface.
- The inclusion of design elements which protect the amenity of abutting residents.



## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 13 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO13.

## MORNINGTON ACTIVITY CENTRE

In this Schedule any reference to the ‘ring road’ refers to all of the roads comprising the ‘ring road’ identified on Map 1 that forms part of this Schedule.

## 1.0

22/07/2021  
C255morn

## Design objectives

To ensure that development makes a positive contribution to the low scale, coastal village character of the Mornington Activity Centre.

To ensure that development enhances the unique character of Main Street between Esplanade and Cromwell Street, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs.

To ensure that development enhances the ‘gateway’ character of Main Street between Cromwell Street and the Nepean Highway, including the provision of generous landscaped setbacks.

To ensure that buildings along the ring road provide a sympathetic interface with existing residential development on the opposite side of that road.

To ensure that developments designed to maintain the safety and efficiency of the ring road in the long term.

To ensure development optimises principles of environmentally sustainable design.

## 2.0

22/07/2021  
C255morn

## Buildings and works

## No permit required

A permit is not required for any of the following:

- The installation of an automatic teller machine.
- An alteration to an existing building façade but only if:
  - The alteration does not include the installation of an external roller shutter; and
  - At least 80 percent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road, but only if it is authorised by the relevant public land manager

## Permit required

A permit is required to construct a fence.

The following general and mandatory requirements apply, as appropriate to all buildings and works.

## General requirements

- An application to construct a building that exceeds a building height of 7 metres should be accompanied by a representation of the building in an electronic format, suitable for inclusion in the ‘Simurban’ computer model for the Mornington Activity Centre to the satisfaction of the responsible authority
- An application to construct a building that exceeds a building height of 7 metres should be accompanied by a site context and design response report that demonstrates how the proposal achieves the design objectives and the requirements of this schedule.

## MORNINGTON PENINSULA PLANNING SCHEME

- Buildings should be of a high quality in terms of architecture and urban design, make a positive contribution to the coastal village character of Main Street and reinforce that character in all other streetscapes.
- Buildings in Main Street between Cromwell Street and the Nepean Highway should in addition make a positive contribution to the 'gateway' character of this section of Main Street in terms of generous landscaped setbacks and design.
- Buildings should be designed to demonstrate respect for the existing scale and character of streetscapes when viewed from the pedestrian network.
- Buildings should be designed to face all adjoining streets and open space reserves and buildings should facilitate continuous active frontages at ground level and weather protection along key pedestrian links. Blank, inactive frontages should be avoided.
- Buildings should be designed to minimise visual bulk to the street, with adequate detailing and articulation of facades as well as an adequate use of materials and colours.
- Buildings should be designed in a way that respects the view lines from the public realm to Port Phillip Bay, Mornington Harbour, Mornington Park, the foreshore and the Grand Hotel.
- Buildings should be designed to minimise the visual exposure of car parking facilities to adjoining land, street reserves and other reserves.
- Buildings should be designed to optimise opportunities for basement car parking and should not include car spaces at ground level that are exposed to the public realm.
- Buildings that only include multi-deck car parking should not contain more than three levels of car parking.
- Buildings along the ring road should be designed without vehicle access points to that road and should provide high quality landscaping within frontage setbacks.
- Buildings in Main Street between Cromwell Street and the Nepean Highway, should be designed without or a minimal number of vehicle access points to that street.
- Buildings should be designed in a way that optimises principles of environmentally sustainable design.
- A "roof deck", being an area that is located above the upper storey of a building and that is designed and used as open space for any use in the building, should:
  - be setback at least 2 metres from the roof edge on all sides;
  - not include any structures or elements that exceed a height of 1.7 metres apart from an access structure;
  - be accessed by a structure that does not enclose any useable floor space (other than for the purpose of access) and does not exceed 2.4 metres in height (measured from floor level at the point of access to the roof deck);
  - not be located above any fourth storey of a building.

## Height and setback requirements

- A building must not exceed the maximum building height and the number of storeys specified in Column 2 of Table 1 to this schedule. This requirement cannot be varied with a permit. This does not apply to architectural features, masts, building services or enclosed stairwells that do not exceed any required height limit by more than 4 metres. The combined floor area of these features must not exceed 10 percent of the gross floor area of the top storey of the building.

## MORNINGTON PENINSULA PLANNING SCHEME

- A building should be setback at least the distances specified in Column 3 of Table 1 to this schedule.
- A building in Main Street located between the Esplanade and Cromwell Street must have a setback from Main Street that is at least the distances specified in Column 3 of Table 1 to this schedule. This requirement cannot be varied with a permit.

## 3.0

22/07/2021  
C255morn

## Subdivision

None specified.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:

- Any representation of a building in an electronic format, included in the 'Simurban' computer model for the Mornington Activity Centre and any site context and design response report, submitted with the application.
- The extent to which proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network.
- Whether proposed buildings are compatible with and respect the character of neighbouring buildings within the same streetscape.
- Whether proposed buildings on sites that are in the vicinity of a heritage place are respectful of that heritage place.
- Whether proposed buildings obscure view lines from the public realm to Port Phillip Bay, Mornington Harbour, Mornington Park, the foreshore or the Grand Hotel.
- The extent to which any roof deck is integrated with the architectural style and form of the building; minimises the visual impact on the street, coastal environs and adjoining properties and avoids views into secluded private open spaces and habitable room windows of dwellings on adjacent land.
- The extent to which the design of buildings optimises principles of environmentally sustainable design.

## 7.0

## Background documents

Mornington Activity Centre Structure Plan – A plan for a coastal town (MPSC, July 2007).

In Table 1 reference to storeys do not include any basement.

The Areas referred to in Column 1 of Table 1 are the areas shown on Maps 1 and 2 forming part of this Schedule as specified in the legend of those maps.

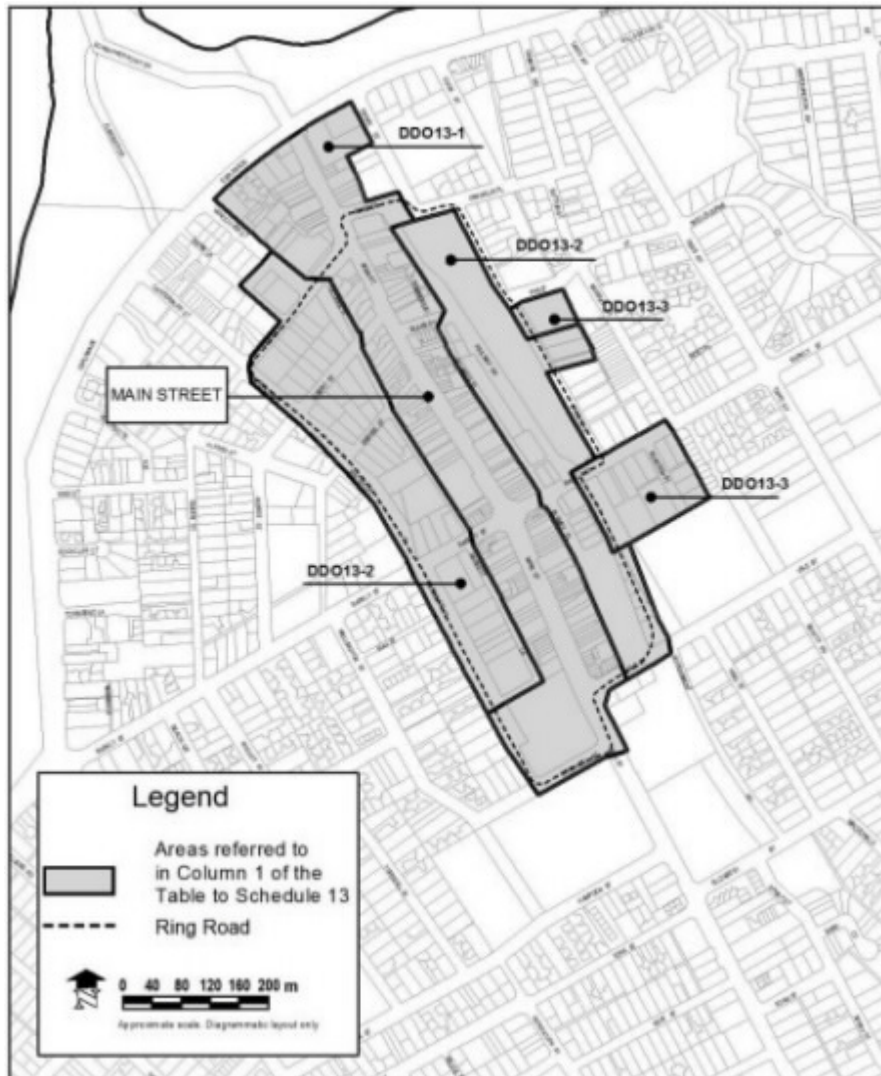
## MORNINGTON PENINSULA PLANNING SCHEME

Table 1

Column 1 Areas	Column 2 Maximum building height	Column 3 Minimum building setback
DDO13-1	11 metres, comprising up to 3 storeys	Any 3 <sup>rd</sup> storey: <ul style="list-style-type: none"> <li>5 metres from Main Street</li> <li>3 metres from any other street reserves</li> </ul>
DDO13-2	11 metres, comprising up to 3 storeys	Any 1 <sup>st</sup> (ground floor) and 2 <sup>nd</sup> storey: <ul style="list-style-type: none"> <li>6 metres from the ring road and from adjoining land in Murray Street.</li> </ul> Any 3 <sup>rd</sup> storey <ul style="list-style-type: none"> <li>9 metres from the ring road and from adjoining land in Murray Street.</li> </ul>
DDO13-3	14 metres, comprising up to 4 storeys	Any 1 <sup>st</sup> (ground floor) and 2 <sup>nd</sup> storey: <ul style="list-style-type: none"> <li>6 metres from the ring road</li> <li>6 metres from a common boundary with the Mornington Primary School.</li> </ul> Any 3 <sup>rd</sup> and 4 <sup>th</sup> storey: <ul style="list-style-type: none"> <li>9 metres from the ring road</li> <li>9 metres from a common boundary with the Mornington Primary School.</li> </ul>
DDO13-4	11 metres, comprising up to 3 storeys	Any 1 <sup>st</sup> (ground floor) and 2 <sup>nd</sup> storey <ul style="list-style-type: none"> <li>8 metres from Main Street</li> </ul> Any 3 <sup>rd</sup> storey: <ul style="list-style-type: none"> <li>8 metres from Main Street</li> <li>9 metres from adjoining land in General Residential Zone or Neighbourhood Residential Zone</li> </ul>

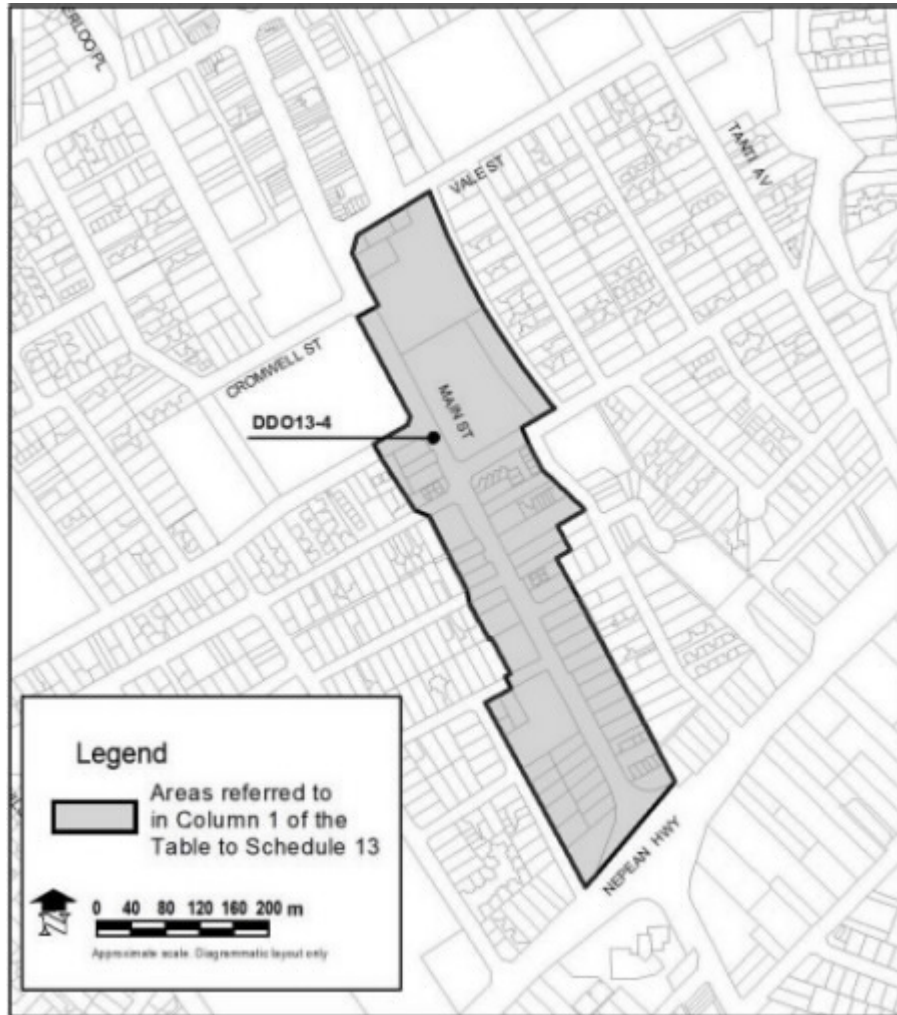
## MORNINGTON PENINSULA PLANNING SCHEME

Map 1 to Schedule 13 to Clause 43.02



# MORNINGTON PENINSULA PLANNING SCHEME

Map 2 to Schedule 13 to Clause 43.02



## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 14 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO14.

## FLINDERS VILLAGE CENTRE

## 1.0

22/07/2021  
C255morn

## Design objectives

To reinforce the scale and character of the Flinders “village” centre in a small coastal town.

To ensure that new development has proper regard for the established character streetscape, topography and development pattern of the Flinders village centre in terms of building height, scale, form, siting, building materials, colours, signs and landscaping.

To create a sense of space around and between buildings.

To ensure that development aids in the creation of high quality public spaces within the Flinders village centre.

To promote active frontages so that development properly addresses Cook Street.

To maintain visual connections from within the Flinders village centre to the surrounding residential areas, reserves and landscape.

To ensure that the existing historic buildings continue to be a major feature of the streetscape and that future development on adjacent land is consistent with retaining and enhancing the dominant urban design characteristics of the Flinders village centre heritage architecture.

## 2.0

22/07/2021  
C255morn

## Buildings and works

## General requirements

- The upper storey of any two storey building should be setback sufficient distance from the frontage to ensure that the single storey component of the building fronting Cook Street reads as the dominant built form element from the street. Eaves may encroach into setback areas.
- Development along Cook Street should present as single storey when viewed from the street. Single storey components of a building height should be no higher than 6 metres.
- Development including any basement level, should not exceed a maximum site coverage of 50 per cent.
- At least 20 per cent of the site area should be set aside for landscaping including the use of medium and high canopy native species.
- Boundary to boundary construction should be avoided to allow views to areas beyond. Spaces between buildings (side and rear) are encouraged and these spaces should be landscaped.
- Where practical having regard to the width of a lot, car parking should be accessible via driveways along the sideage. Basement access fronting Cook Street should be avoided.
- Simple building styles and materials are encouraged including the use of timber. Render finishes and highly reflective glass are discouraged.
- The layout of development should promote an active street frontage and at least 66 per cent of the width of a building frontage should consist of active display windows. Building entry points should address the street.
- Provisions should be made particularly in food and drink premises for outdoor spaces preferably at the street frontage or in the form of courtyards providing for interaction with the public realm. At least 30 per cent of the open space or courtyard areas should be landscaped and hard surfaces should not dominate.

## MORNINGTON PENINSULA PLANNING SCHEME

- Buildings should be designed having regard to any slope of the land. Buildings across wide frontages should be designed as modules, with a module width of approximately 7 metres to reflect traditional shop widths.
- The use of verandahs, recessed entry points and eaves is encouraged.
- Roof forms to Cook Street should preferably be pitched, hip or gambrel. Roof pitch should be between 25-35 degrees. Flat roofs are strongly discouraged but skillion roofs may be appropriate if they are setback from the street and the primary presentation to the street is of the preferred form.
- The adaptation and re-use of existing buildings with heritage value is encouraged.
- Signage should be integrated within the built form. Sign colours should complement the character of the village setting.
- Building colours should be harmonious and based on local colour cues. Brighter colours, particularly in detailing, may be appropriate to reflect the seaside village location. Roof materials may be unpainted galvanised steel or bonded paint finished steel sheeting.

## Mandatory requirements

- All new development must be connected to:
  - A reticulated sewerage system or an alternative approved by the responsible authority
  - A reticulated drainage system or alternative approved by the responsible authority

A building must have a maximum building height of no more than 8.5 metres and must contain no more than 2 storeys above natural ground level.

Mandatory requirements cannot be varied with a permit.

## 3.0

22/07/2021  
C255morn

## Subdivision

None specified.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- Any development application must be accompanied by:
  - A site analysis and design response explaining how the design has responded to the design objectives of this schedule and demonstrates respect for the existing character of the Flinders village centre.
  - An analysis which demonstrates that regard has been given to the provisions contained in the Flinders Village Centre Design Guidelines for New Development (MPSC 2010).

The responsible authority may waive some or all of these requirements if it deems appropriate.

## Background documents

Flinders Village Centre Design Guidelines for New Development (MPSC 2010)

Flinders Village Centre Statement of Significance (November 2009)



MORNINGTON PENINSULA PLANNING SCHEME

6.0

22/07/2021  
C255morn

Decision guidelines

Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 15 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO15.

## SHOREHAM VILLAGE CENTRE

## 1.0

22/07/2021  
C255morn

## Design objectives

To reinforce the scale and character of the Shoreham village' centre in a small coastal town.

To ensure that new development has proper regard for the established character streetscape, topography and development pattern of the Shoreham village centre in terms of building height, scale, form, siting, building materials, colours, signs and landscaping.

To create a sense of space around and between buildings.

To protect visual connections from the village centre to the surrounding landscape by limiting the scale of development.

To ensure development aids in the creation of high quality public spaces within the Shoreham village centre.

To ensure that any developments designed to properly address the street frontage and to enable activity and passive surveillance of the public realm through building siting and design.

To strengthen pedestrian connections between the commercial areas in the village centre.

To define the entrance into the village centre through landscaping and signature building elements.

## 2.0

22/07/2021  
C255morn

## Buildings and works

## General requirements

- Development should generally present as single storey when viewed from the street and the upper storey of any two storey building should be a relatively minor element of a development. Single storey components of a building should be no more than 6 metres in height.
- No development should protrude above the tree canopy line when viewed from the street or significantly obstruct existing view lines to the rural landscape beyond the village centre.
- Development including any basement level should not exceed a maximum site coverage of 60 per cent.
- Development should be designed to provide space around and between buildings, rather than boundary to boundary construction.
- Buildings should generally be setback from side boundaries to provide for breaks in the built form and access to the rear of the site.
- Simple building styles and materials are encouraged including the use of timber, but large exposed areas of rendered wall, tiled roofing or highly reflective glass should be avoided.
- The layout of new development should promote activation at the street frontage through use of windows, logical placement of building entry points which address the street and outdoor seating to provide passive surveillance of the public realm.
- Ground floor street frontages setbacks should be between zero and 3 metres to provide for public/private realm amenity.
- Provisions should be made, particularly in association with food and drink premises for outdoor space preferably at the street frontage or in the form of courtyards. Open space or courtyard areas should be landscaped.
- Buildings should be designed having regard to any slope of the land rather than requiring the extensive use of cut and fill to level sites. Buildings across wide frontages should be designed as modules, with a module width of approximately 7 metres to reflect traditional shop widths.

## MORNINGTON PENINSULA PLANNING SCHEME

- The use of verandahs, recessed entry points and eaves is encouraged.
- Roof forms to adjoining streets should be pitched, hip, gabled or skillion. Flat roofs are strongly discouraged.
- Building colours should be selected based on local coastal character cues which incorporate muted tones which allow landscape elements to prevail to the satisfaction of the responsible authority.
- New developments should provide for safe and convenient pedestrian connections.
- Where practical having regard to the width of a lot car parkings should be accessible via driveways along the sideage. Basement access fronting the streets should be avoided.
- Signage should be integrated within the built form. Sign colours should complement the character of the village setting.
- Landscaping of 20 percent of the sites should be provided so that any building does not dominate its setting.
- Reference to landscaping in this schedule is intended to incorporate canopy and medium sized trees at the side and rear of all developments and within the frontage if appropriate. This landscaping is to be predominantly native or locally indigenous species.

Note: The mandatory requirements of this schedule also apply

## Mandatory requirements

- All new development must be connected to:
  - A reticulated sewerage system or an alternative approved by the responsible authority
  - A reticulated drainage system or alternative approved by the responsible authority
- A building must have a maximum building height of no more than 8.5 metres and must contain no more than 2 storeys above natural ground level.

These requirements cannot be varied with a permit.

## 3.0

22/07/2021  
C255morn

## Subdivision

None specified.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- Any development application must be accompanied by:
  - A site analysis and design response explaining how the design has responded to the design objectives of this schedule and demonstrate respect for the existing character of the Shoreham village centre.
  - An analysis which demonstrates that regard has been given to the provisions contained in the Shoreham Design Guidelines (Dec 2007).
- The responsible authority may waive some or all of these requirements if it deems appropriate.

MORNINGTON PENINSULA PLANNING SCHEME

Background document

Shoreham Design Guidelines (Dec 2007)

6.0

22/07/2021  
C255morn

Decision guidelines

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 16 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO16.

## MCCRAE VILLAGE CENTRE

## 1.0

22/07/2021  
C255morn

## Design objectives

To ensure that new development has proper regard for the established character streetscape, topography and development pattern of the McCrae village centre in terms of building height, scale, form, space between buildings, siting, building materials, colours, signs, and landscaping.

To ensure that development proposals are based on an appropriate site analysis and design response process that demonstrates respect for the built form and character of the McCrae village centre.

To reinforce the "village" scale and character of this part of McCrae.

To reflect the role of this centre as part of the hierarchy of commercial centres on the Mornington Peninsula.

To protect visual connections from the village centre to the surrounding landscape including the Arthur's Seat range and Port Phillip Bay, by limiting the height and scale of development.

To create a sense of space around and between buildings.

To promote the creation of high quality public spaces within the McCrae village centre and to ensure a positive relationship between proposed development and the public spaces.

To ensure that any new development properly addresses the street frontage.

To provide for the continuation of the existing pattern of rear parking areas accessed from the street frontage.

To strengthen pedestrian connections within the village centre and between the centre and the foreshore.

## 2.0

22/07/2021  
C255morn

## Buildings and works

## General requirements

- Retain the existing pattern of separate small scale buildings on large sites and avoid the extension of continuous built form across a number of block frontages.
- Development including any basement level, should not exceed a maximum site coverage of 50 per cent and at least 20 per cent of the site area should be set aside for landscaping including the use of medium and high canopy native species. Open spaces should be consolidated into front yard and/or back yard spaces.
- Single storey developments are preferred and any second storey developments should be designed to avoid blocking existing view lines to the surrounding landscape including the Arthur's Seat range.
- Built forms should avoid the creation of 'landmarks or prominent gateways'.
- Simple building styles and materials are encouraged including the use of low pitched hipped, gabled and skillion roofs, so that built form reflects the village character of this part of McCrae. Large exposed areas of rendered wall, and a high proportion of unmodulated glazed walls and glazed balconies particularly in street elevations, should not be included in proposed development designs. The use of brickwork, timber and corrugated iron, in both traditional and innovative forms and utilisation of a range of dark muted colours, is encouraged.
- Buildings should be sited in accordance with provisions outlined in Table 1 and to maintain the existing pattern of separate building forms with variations in frontages set back and providing for the creation of open space at the front of buildings.

## MORNINGTON PENINSULA PLANNING SCHEME

- Setbacks should be considered in relationship to neighbouring properties as well as the overall setback pattern of the street to repeat and maintain the overall pattern of varied setbacks. High quality small spaces attached to individual shops are encouraged.
- Boundary to boundary constructions should be avoided and setbacks from all side boundaries should be provided to allow for pedestrian circulation and to enable views to areas beyond. Exposed sidewall elevations should be well articulated and additional side and rear entries are encouraged.
- The development of active frontages is encouraged and at least 66 per cent of the width of a building frontage should consist of active display windows. The main building entry point should face the street.
- Provisions should be made for outdoor spaces particularly in developments incorporating food and drink premises preferably at the street frontage or in the form of courtyards providing for interaction with the public realm. At least 30 per cent of the open space or courtyard areas should be landscaped and hard surfaces should not dominate.
- Landscaping should be informal to complement and link to the informal coastal bush setting and use native and indigenous species. The visual joining up of landscaped areas across properties and public spaces is encouraged, solid fences or barriers between commercial properties and to public spaces are discouraged.
- The use of verandahs, recessed entry points and eaves is encouraged. Awnings or canopies should not be continued across shop fronts in order to maintain the sense of separate buildings.
- New developments should provide for safe and convenient pedestrian connections without adversely impacting upon residential properties.
- The total number and width of access ways should be minimised.
- Car parking areas should be located to the side and to the rear of buildings.
- On site car parks should be landscaped and include shade trees. Alternative permeable ground surfaces to bitumen are encouraged.
- Access from the road frontage to rear parking areas should be combined with existing access ways where possible to reduce the number of crossovers.
- A separation setback with a width of at least 3 metres should be provided between any access laneway or car parking area and the adjoining residential boundaries. The setback along residential boundaries should be effectively landscaped and fenced.
- The adaptation of existing buildings for reuse is encouraged.
- Signage should be integrated within the built form. Encourage signage to be painted onto side walls, parapets and windows rather than on separately made panels that fix to the building or fascia or roof. Sign colours should complement the character of the village setting.

Table 1 to Schedule 16 to Clause 43.02

Proposed development	Frontage Setback
Single storey development for the purpose of maintaining or enhancing existing built form at 663 – 667 and 675 -677 Point Nepean Road	Should maintain the current setback, adjoining the front boundary.
Any other single storey development	Should be maximised, with a setback of at least 1.5 metres, and varied from the front setback of a building on adjoining land to avoid a continuous built form
Two storey development	Should be setback a distance at least equivalent to the maximum height of the building above the natural ground level.

## MORNINGTON PENINSULA PLANNING SCHEME

Proposed development	Frontage Setback
The upper storey of any second storey	Should not be recessed from the front wall of the ground storey.

Note: The mandatory requirements of this schedule also apply.

## Mandatory requirements

- All new development must be connected to:
  - A reticulated sewerage system or an alternative approved by the responsible authority
  - A reticulated drainage system or alternative approved by the responsible authority
- No building may exceed a building height of more than 8 metres or contain more than two storeys above natural ground level.

These requirements cannot be varied with a permit.

## 3.0

22/07/2021  
C255morn

## Subdivision

Nonespecified.

## 4.0

22/07/2021  
C255morn

## Signs

Nonespecified.

## 5.0

22/07/2021  
C255morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- Any development application must be accompanied by:
  - A site and context analysis and design response including a landscaping plan, explaining in detail how the design of the proposed development responds to the design objectives of this schedule and demonstrates respect for the existing character of the McCrae village centre and adjoining residential properties.
  - An analysis which demonstrates that regard has been given to the provisions contained in the background document McCrae Village Design Statement (MPSC2011).
- The responsible authority may waive some or all of these requirements if it deems appropriate.

## Background documents

McCrae Village Design Statement (MPSC2011)

## 6.0

22/07/2021  
C255morn

## Decision guidelines

Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

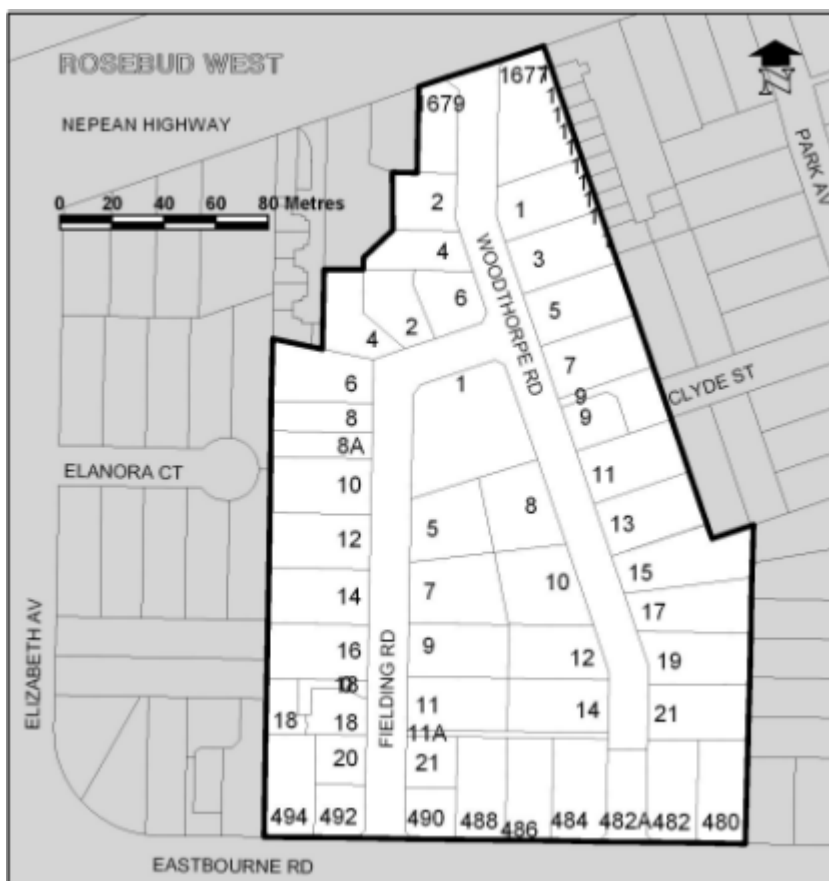
22/07/2021  
C255morn

## SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO17.

## WOODTHORPE ESTATE, ROSEBUD WEST

Map 1 to Schedule 17 to Clause 43.02



## 1.0

22/07/2021  
C255morn

## Design objectives

To maintain the remnant bush landscape setting and to strengthen the general sense of "...living on the foreshore of Cape Sound" within a safe and secluded low profile coastal village environment.

To ensure that buildings and extensions do not dominate the streetscape and wider landscape setting.

To promote building design which complements the coastal landscape environment.

To ensure that adequate space is available on private land for the retention and planting of vegetation.

To reflect the existing rhythm of dwelling spacing and to promote the appearance of dwellings within a landscape setting.

To maintain and enhance visual connection between the shared streetspace and private properties and between front yards and enable the continuous flow of vegetation between roadsides and private space.

To retain the appearance of the meandering unmade streets that underscore and contribute to the neighbourhood character.



## MORNINGTON PENINSULA PLANNING SCHEME

## 2.0

20/01/2022  
VC205

## Buildings and works

## No permit required

If the following conditions are met, a permit is not required to construct a building or construct or carry out works for the purpose of a dwelling outbuilding, alteration, or extension or a dependent person's unit:

- The floor area of the dwelling must not be increased by more than 25 per cent, whether for an outbuilding or extension.
- The building must be setback from the frontage by at least the same distance as the existing dwelling or, if there is no existing dwelling on the land:
  - The front setback must be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is the greater),
  - A building must have a front setback to land in a Transport Zone 2 or a Transport Zone 3 of not less than 10 metres,
  - A building must be setback 3 metres or more from any side road boundary
- Must not create more than one crossover
- Must be single storey construction with a wall height of 5.5 metres or less and a building height of 7 metres or less.
- The total building site coverage must be 35 per cent or less.
- The total hard surface site coverage (including buildings, swimming pools and impervious surfaces) must be 50 per cent or less.
- The external finish must match that of an existing building or otherwise be to the satisfaction of the responsible authority
- Any earthworks must be one metre or less in depth.

A permit is not required to carry out earthworks that are one metre or less in depth.

## Permit requirements

A permit is required to construct a fence. This does not apply to any of the following:

- A fence on a lot with an existing building but only if:
  - The side or rear fence is more than 2.0 metres in height.
  - The front fence is more than 1.8 metres in height.
  - The front fence is less than 50 per cent transparent.
  - The distance the fence is setback from any road that abuts the lot is equal to or greater than the setback of that building from the road.
- A post and wire fence with a height of 1.2 metres or less.

An application to construct a building or construct or carry out works should meet all of the general requirements of this schedule and must meet the mandatory requirements of this schedule.

## General requirements

An application should meet all of the requirements contained in Clause 54 or Clause 55 of this Scheme as relevant, as if those Clauses applied subject to the modifications shown in Table 1 of this Schedule.

## MORNINGTON PENINSULA PLANNING SCHEME

Table 1 Modifications to Clause 54 and Clause 55 standards

Standard	Modified Requirement
Neighbourhood character Standard A1 Standard B1	<p>Additional requirements:</p> <ul style="list-style-type: none"> <li>▪ The Woodthorpe area is characterised by the following key existing character elements: <ul style="list-style-type: none"> <li>- Dwellings sit within the landscape and are partially or wholly hidden by vegetation from the adjacent roads</li> <li>- The built form is almost entirely low profile and single storey, with relatively low site coverage.</li> <li>- The dwellings are well set back and are generally positioned centrally on large 'quarter acre blocks'.</li> <li>- Front fences are normally non-existent or consist of low wire fences.</li> <li>- Post and wire side fences are common.</li> <li>- There is often little distinction in appearance between the private gardens and the roadside vegetation and driveways and paths do not dominate the streetscape.</li> <li>- The location of the roadway is influenced by the positioning of the roadside trees and ground covers, avoiding a rigid alignment.</li> <li>- At most points in the estate the width of the roadway allows the passage of only a single vehicle at any one time.</li> <li>- Car parking is exclusively off-street and carports are more prevalent than garages. Driveways are constructed of either gravel or brick paving in preference to concrete.</li> </ul> </li> </ul> <p>The design of new buildings should complement the general low profile built form of the area.</p> <p>The difference between finished ground level and natural ground level as a result of excavation and filling should be one metre or less and properly battered or retained.</p> <p>A building containing more than one storey should not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.</p> <p>The building should not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building.</p> <p>Car parking areas should be provided on site and sited either adjacent to or behind a dwelling or residential building.</p> <p>The construction of a garage at the front of a dwelling or residential building should be avoided.</p>
Integration with street Standard A2 Standard B5	<p>Additional requirements:</p> <p>There should be no more than one vehicular crossing per property.</p> <p>There should be no front fencing or only low open fencing forward of the line of the dwelling or residential building.</p> <p>Car parking areas should be provided on site and sited either adjacent to or behind the dwelling or residential building.</p> <p>The construction of a garage at the front of a dwelling or residential building should be avoided.</p> <p>Any building should be visually integrated with the existing single storey streetscape and have a similar height to adjoining buildings.</p>
Minimum street setback Standard A3 Street setback Standard B6	<p>The front setback should be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is the greater) and should enable the retention of any significant existing vegetation.</p> <p>A building should have a 10 metre setback from a Transport Zone 2 or a Transport Zone 3.</p> <p>A building should be setback 3 metres or more from any side road boundary.</p>

## MORNINGTON PENINSULA PLANNING SCHEME

Standard	Modified Requirement
Building height Standard A4 Standard B7	<p>Overlay specification of maximum height:</p> <p>A building should have a wall height of 5.5 metres or less and a building height of 7 metres or less.</p> <p>A building should not protrude above any mature tree canopy.</p>
Site coverage Standard A5 Standard B8	The total building site coverage should be 35% or less.
Permeability Standard A6 Standard B9	The total hard surface site coverage (including buildings, swimming pools and impervious surfaces) should be 50% or less.
Significant trees Standard A8 Landscaping Standard B13	<p>Additional requirements:</p> <p>Buildings and works should be sited and designed to:</p> <ul style="list-style-type: none"> <li>Retain large, established native trees and understorey.</li> <li>Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone).</li> <li>Have a front setback sufficient to enable the retention of any significant existing vegetation.</li> <li>Have setbacks sufficient to provide for on-site screening by bushy vegetation.</li> </ul> <p>Provision should be made for the planting of new native trees, consistent with the existing composition of vegetation in the area.</p> <p>New dwellings should have a landscape plan that includes substantial native trees and shrubs.</p>
Side and rear setbacks Standard A10 Standard B17	<p>Additional requirements:</p> <p>Buildings should be setback sufficient distance from all boundaries to enable all of the following:</p> <ul style="list-style-type: none"> <li>The planting of bushy screening vegetation.</li> <li>The retention or planting of more than one substantial tree in the backyard.</li> </ul> <p>A building should be setback at least 10 metres from a Public Park and Recreation Zone or a Public Conservation and Resource Zone.</p>
Design detail Standard A19 Standard B31	<p>Additional requirements:</p> <p>Building materials, forms, textures and colours should be compatible with the existing coastal landscape setting</p> <p>More than half of the external wall cladding of any dwelling should consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.</p> <p>All cladding and trim should be coloured and maintained in muted tones of green, brown, beige or other colours to the satisfaction of the responsible authority.</p> <p>The external finish of all buildings should be of a low reflectivity (less than 40% reflectivity) to minimise glare and reflection of light. This requirement does not apply to:</p> <ul style="list-style-type: none"> <li>Solar panels.</li> <li>Roofing but only if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.</li> <li>The finish of a building extension, but only if the floor area is increased by 25% or less and the colour matches that of the existing building.</li> </ul> <p>Any side or backyard fencing that does not abut a road should have a height of less than 1.8 metres.</p>
Front fence height Standard A20	There should be no front fencing or only low open fencing forward of the line of the dwelling or residential building.

## MORNINGTON PENINSULA PLANNING SCHEME

Standard	Modified Requirement
Standard B32	

## Mandatory requirements

The following requirements apply, as appropriate to all buildings and works, whether or not a permit is required.

## Maximum building height

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.
  - The footprint of the upper storey existing at the approval date, is not increased by more than 10 per cent.

These requirements cannot be varied with a permit.

## Number of dwellings

No more than one dwelling, excluding a dependent person's unit, may be constructed on a lot. This does not apply to dwellings that are in accordance with an approved development plan under Clause 43.04. This requirement cannot be varied with a permit.

## 3.0

22/07/2021  
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## Subdivision

The average area of all lots within a subdivision must be no less than 700 square metres and each lot must be able to contain a rectangle with minimum dimensions of 20 metres x 35 metres. These requirements do not apply to lots that are in compliance with a restructuring plan under Clause 45.05 or a development plan under Clause 43.04.

Land that is capable of further subdivision is excluded from the calculation of average lot area.

The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot density.

These requirements cannot be varied with a permit unless any of the following requirements are met:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.

## MORNINGTON PENINSULA PLANNING SCHEME

- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposed to create separate lots for each dwelling.
- The subdivision excised land for a road, utility installation or other public purpose.

## 4.0

22/07/2021  
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## Signs

Nonespecified.

## 5.0

22/07/2021  
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## Application requirements

Nonespecified.

## 6.0

22/07/2021  
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## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- Whether any loss of amenity will result from a variation to the general requirements of this schedule.
- Whether it would be impractical to apply a general requirement to any of the smaller lots within the Woodthorpe area.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
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## SCHEDULE 18 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO18.

## MOUNT ELIZA WOODLAND AREA

Map 1 to Schedule 18 to Clause 43.02

(includes four precincts shown below which refer to the Siting and Design Guidelines for the Mt Eliza Woodland Area, MPSC 2006.)



## 1.0

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## Design objectives

To recognise the character of the Mt Eliza woodland area, where substantial vegetation cover is a dominant visual and environmental feature of the local area, by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

To recognise and protect the landscape character of environmentally sensitive areas including the National Trust recorded landscape of the Mt Eliza escarpment and to ensure the screening of buildings as part of this landscape.

## MORNINGTON PENINSULA PLANNING SCHEME

To site and design buildings in precinct 1 so that they are absorbed into the landscape in a way that emphasises a natural vegetated setting for the Mt Eliza escarpment and minimises their visibility in long range views to the escarpment and, as a second priority, shorter range streetscape views.

To encourage a vegetation-dominated landscape setting including tall tree canopies that are prominent in long range views towards and within the Mount Eliza woodland.

To enhance environmental values through planting and maintaining indigenous vegetation particularly in precinct 1, along waterways and parks and in areas that broadly connect these features in the wider landscape setting.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the landscape.

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, and to protect shared viewlines where reasonable and practical.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To reflect the existing rhythm in the spacing of dwellings in the streetscape and to maintain a sense of spaciousness by requiring generous front and side setbacks.

To maintain open, informal and well landscaped tree frontages as a key characteristic of the area.

To ensure that new buildings or extensions do not dominate the streetscape or wider landscape setting.

To maintain relatively low site coverage to ensure that adequate space is available on private land for the retention and planting of vegetation.

To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets drainage systems and sewerage systems. Particular attention must be given to the impact of development on streamlines and waterways and to avoiding the development of land susceptible to stream erosion or flooding.

To minimise the extent of earthworks in areas prone to erosion.

To avoid higher densities of development in areas subject to instability and erosion or potential fire hazard.

To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.

To recognise areas with limited access to infrastructure services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

To ensure that subdivision and development proposals have proper regard to heritage values.

## 2.0

20/01/2022  
VC205

## Buildings and works

## No permit required

A permit is not required to construct a building or for a constructor to carry out works for any of the following, but only if the General requirements set out in this schedule are met.

- In precinct 2, 3 or 4; a dwelling, excluding any outbuilding, that is the only dwelling on the lot.
- In precinct 2, 3 or 4; an outbuilding of 10 square metres or less.
- In precinct 2, 3 or 4; a garage or carport that is 70 square metres or less and the only outbuilding of more than 10 square metres on the lot.

## MORNINGTON PENINSULA PLANNING SCHEME

Note: The Mandatory requirements of this schedule also apply.

## Permit requirements

An application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable, unnecessary, and no loss of amenity will result.

Note: The Mandatory requirements of this schedule also apply.

An application to construct a building or construct or carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-5, 54.03-6, 54.03-7, 54.04-2, 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives and should meet all of the standards of Clauses 54.03-1, 54.03-2, 54.03-3, 54.03-4, 54.04-1 and 54.06-2, subject to any different requirements that are applied in this Schedule to the Design and Development Overlay

An application to construct a building or construct or carry out works associated with two or more dwellings on a lot or a residential building:

- Must comply with Clause 55.01.
- Must meet all of the objectives and should meet all of the standards of Clause 55.02, 55.03-2, 55.03-5, 55.03-6, 55.03-7, 55.03-8, 55.03-9, 55.03-10, 55.04-3, 55.04-4, 55.04-5, 55.04-5, 55.04-7, 55.04-8, 55.05, 55.06-1, 55.06-3, 55.06-4, .
- Must meet the objectives and should meet all of the standards of Clause 55.03-1, 55.03-3, 55.03-4, 55.04-1, 55.04-2 and 55.06-2, subject to any different requirements that are applied in this Schedule to the Design and Development Overlay

A permit is required to construct a fence if:

- The fence has a height greater than 1.8 metres.
- The fence is constructed of fibro cement sheet materials.
- The fence abuts a road and has a height of 1.5 metres or more.
- The fence abuts a road and less than 70 percent of the total fence structure is open or transparent.

## General requirements

The following requirements apply, as appropriate to all applications for buildings and works and can be varied with a permit.

- No building may exceed a wall height of 5.5 metres or a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre and must be properly battered or retained.
- All buildings must be located at least 10 metres from any Public Park and Recreation Zone, Public Conservation and Resource Zone, Transport Zone 2 or Transport Zone 3 and at least 6 metres from any cliff edge.
- A building must be setback as shown in Table 1 below



## MORNINGTON PENINSULA PLANNING SCHEME

Table 1

Lot size	Existing conditions	Minimum setback from road frontage	Minimum setback from side road boundary	Minimum setback from a side or rear boundary
More than 2,500 square metres	A lot with a frontage of 30 metres or more.	15 metres*	10 metres	10 metres or at least the same setback as a building on an adjoining lot sharing the same boundary but not less than 5 metres.
More than 2,500 square metres	A lot with a frontage of less than 30 metres.	15 metres*	7.5 metres	7.5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.
Less than 2,500 square metres but more than 1,500 square metres	Any	15 metres*	5 metres	5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.
Less than 1,500 square metres	There is an existing building on an abutting lot facing the same street.	At least the same distance as the setback of the front wall of the existing building on the abutting lot or 7.5 metres, whichever is greater.*	5 metres	5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.
Less than 1,500 square metres	There are existing buildings on both abutting lots facing the same street.	At least the same distance as the average distance of the setbacks of front walls of the existing buildings on the abutting lots, or 7.5 metres, whichever is greater.*	5 metres	5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.
Less than 1,500 square metres	There are no buildings on abutting lots facing the same street.	7.5 metres*	5 metres	5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.

\*Any garage, carport or outbuilding must be located no further forward on a lot than the dwelling on the same lot.

- A building containing more than one storey must not provide access to a roof area, deck, veranda or the like which has a level higher than the floor level of the upper storey

## MORNINGTON PENINSULA PLANNING SCHEME

- More than half of the external wall cladding of any dwelling must consist of brick, masonry timber, simulated weatherboard or other materials approved by the responsible authority
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25 percent, the colours may match those of the existing development.
- The external finish of all buildings must be of a low reflectivity (less than 40 percent reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted.
- A building must not be a relocated building or moveable structure such as a tram car or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building.
- Site coverage must comply with Table 2 below.

Table 2

Precinct	Maximum site area covered by all buildings on the lot	Maximum site area covered by all buildings and any other impervious surfaces on the lot
Precinct 1 or 2	10 %	20 %
Precinct 3 or 4	15 %	25 %

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandah eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

## Mandatory requirements

The following requirements apply, as appropriate to all applications for buildings and works and cannot be varied with a permit.

## Sewerage and drainage

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority
- A reticulated drainage system or an alternative approved by the responsible authority

These requirements cannot be varied with a permit.

## Maximum building height

A building must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre

## MORNINGTON PENINSULA PLANNING SCHEME

- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.
  - The footprint of the upper storey existing at the approval date, is not increased by more than 10 percent.

These requirements cannot be varied with a permit.

#### Number of dwellings

A lot must not contain any more than one dwelling. This does not apply to any of the following:

- A lot that has potential for subdivision in accordance with the minimum subdivision area specified in this Schedule where the number of dwellings to be contained by the lot would not exceed the number of lots that may be so created.
- An application that meets all of the following requirements:
  - The lot must be at least 2,600 square metres in area.
  - The lot must contain only two dwellings, including any existing or proposed dwellings.
  - One of the dwellings must have a floor area of 100 square metres or less.
  - The two dwellings must be substantially attached and designed to appear as if they were only one dwelling on the lot.
  - The two dwellings must share a single crossover
  - The total site coverage of all buildings, including garages and other outbuildings, must not exceed 15 percent of the total lot area for any lot located in precinct 1 or 2, or 20 percent of the total lot area for any lot in precinct 3 or 4.
  - This provision must not have been previously applied to any of the land involved in the application.
  - A section 173 Agreement must be created to prevent the subdivision of the subject land. The agreement must be registered on title.

Except for the single crossover requirement, these requirements cannot be varied with a permit.

### 3.0

22/07/2021  
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#### Subdivision

The minimum area of any lot within a subdivision must be not less than 2000 square metres and each lot must be able to contain a rectangle with a minimum dimension of 25 metres x 35 metres.

These requirements cannot be varied with a permit, except for applications proposing any of the following:

- A subdivision in accordance with a restructuring plan under Clause 45.05 or a development plan under Clause 43.04.
- A subdivision to realign the boundary between existing lots, provided no new lot or additional subdivision potential is created.

## MORNINGTON PENINSULA PLANNING SCHEME

- A subdivision of land that contains two or more dwellings that lawfully existed at the approval date of Mornington Peninsula Planning Scheme Amendment C162, that proposed to create a separate lot for each of those dwellings.
- A subdivision to excise land for a road, utility installation or other public purpose.

## 4.0

22/07/2021  
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## Signs

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and the amenity and accessibility of open space.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

## 7.0

## Background document

The Siting and Design Guidelines for the Mt Eliza Woodland Area, MPSC 2006 contained in Appendix 4 to Mt Eliza Woodland Neighbourhood Character Study Report, Planisphere October 2006.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
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## SCHEDULE 19 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO19.

## BITTERN AND CRIB POINT TOWNSHIP RESIDENTIAL AREA

## 1.0

22/07/2021  
C255morn

## Design objectives

To promote the preferred future character of the township as a low density country town on the coast with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.

To maintain the amenity of this area, which is associated with the relatively low intensity of residential development and traffic movement.

To encourage forms of development that provide for housing diversity.

To ensure the design of subdivision and housing is responsive to the environment, and form, site conditions and character of Crib Point's residential areas.

To ensure sites are large enough to accommodate development and substantial areas of open space while considering any bushfire risk and retaining or planting new vegetation.

To ensure that development densities are compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets, drainage systems and sewerage systems.

To ensure that the height, scale and siting of new development has proper regard for the established streetscape and development pattern.

To encourage building materials, forms, textures and colours that are compatible with the landscape setting.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To ensure that subdivision and development proposals have regard to heritage values.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, streetscape and open space areas.

To ensure that any subdivision and development incorporates adequate bushfire protection measures in areas at risk from bushfire.

## 2.0

20/01/2022  
VC205

## Buildings and works

## No permit required

A permit is not required if the development is for the purpose of a single dwelling on a lot but only if all of the following conditions are met:

- The lot has a single crossover
- Any building is setback from:
  - the frontage: the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).
  - a side road boundary: 3 metres.
  - a Transport Zone 2 or a Transport Zone 3: 10 metres or more.
  - a Public Park and Recreation Zone or a Public Conservation and Resource Zone: 10 metres or more.

## MORNINGTON PENINSULA PLANNING SCHEME

- Any building has a single storey construction with a wall height of 5.5 metres or less and a building height of 6.5 metres or less.
- Total site coverage is 35 per cent or less.
- No more than 40 per cent of the lot is covered by buildings, swimming pools, driveways and other impervious surfaces.
- More than half of any external wall cladding consists of brick, masonry timber, or simulated weatherboards.
- The external finish of any building is of a low reflectivity (less than 40 per cent reflectivity) and cladding and trims are coloured in muted tones. This does not apply to any of the following:
  - Solar panels.
  - Roofing, if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.
  - A building extension if the floor area is increased by 25 per cent or less and the colour matches that of the existing building.
- Any earthwork has a vertical dimension of one metre or less.

## Permit requirements

A permit is required to construct a fence. This does not apply to any of the following:

- A fence on a lot which contains an existing building if:
  - The fence has a height of 1.5 metres or less; or
  - The fence is located more than 3 metres from any road frontage.
- A post and wire fence with a height of 1.2 metres or less.

## Requirements

An application should meet all of the requirements contained in Clause 54 or Clause 55 of this Scheme.

The Additional Requirements in Table 1 of this Schedule should also be met except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable or unnecessary and no loss of amenity will result.

The Mandatory Requirements of Table 1 cannot be varied with a permit.

Table 1 Design and siting requirements

Standard	Modified Requirement
Neighbourhood character	The design of new buildings should complement the general low profile built form of the area.
Standards A1/B1	<p>The difference between finished ground level and natural ground level as a result of excavation and filling should be one metre or less and all earthworks must be properly battered or retained.</p> <p>A building containing more than one storey should not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.</p> <p>A relocated building or moveable structure should be either a dependant person's unit or a newly pre-fabricated building.</p> <p>Car parking areas should be provided on site and sited either adjacent to or behind a dwelling or residential building.</p>
Integration with street	There should be no more than one vehicular crossing per property.
Standard A2	

## MORNINGTON PENINSULA PLANNING SCHEME

Standard	Modified Requirement	
Standard B5		
Minimum setback from streets and public land	The front setback should be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater),	
Standard A3	The setback from a Transport Zone 2 or a Transport Zone 3 should be 10 metres or more.	
Street setback	The setback from any side road boundary should be 3 metres or more.	
Standard B6	A building should be set back at least 10 metres from a Public Park and Recreation Zone or Public Conservation and Resource Zone.	
	Sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.	
Building height	A building should have a wall height of 5.5 metres or less and a building height of 6.5 metres or less.  A building should not protrude above any mature tree canopy.	Mandatory Requirement
Standards A4/B7		A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following: <ul style="list-style-type: none"> <li>▪ A place of assembly building</li> <li>▪ A leisure and recreation building</li> <li>▪ A utility installation building</li> <li>▪ A hospital</li> <li>▪ An education centre</li> <li>▪ Alteration to or extension of a lawfully existing building if all of the following requirements are met: <ul style="list-style-type: none"> <li>– The maximum building height of the existing building is not exceeded.</li> <li>– The external bulk of the existing building is not significantly increased.</li> <li>– The footprint of the upper storey, existing at the approval date is not increased by more than 10%.</li> </ul> </li> </ul>
Site coverage and permeability	The total building site coverage should be 35% or less.	
Standards A5/B8	No more than 40% of a lot may be covered by buildings, swimming pools, driveways and other impervious surfaces except:	
Standards A6/B9	<ul style="list-style-type: none"> <li>▪ On lots with an area of less than 600 square metres that existed prior to 27 March 2014; or</li> <li>▪ Where a lot is created to provide a separate title for a dwelling which existed before 27 March 2014 and the total impervious surface site coverage of the overall development on the parent lot does not exceed 40%.</li> </ul>	
Significant trees/Landscaping	Buildings and works should be sited and designed to:	
Standards A8/ 13	<ul style="list-style-type: none"> <li>▪ Retain large, established native trees and understorey.</li> <li>▪ Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone).</li> <li>▪ Have boundary setbacks and open space sufficient to enable: <ul style="list-style-type: none"> <li>– the retention of any significant existing vegetation.</li> <li>– the planting of one substantial tree in both the front setback and in the backyard.</li> </ul> </li> </ul> <p>New dwellings should have a landscape plan that includes substantial native trees and shrubs consistent with the composition of vegetation in the area.</p>	
Private open space	Private open space for one or more dwellings should be provided to meet all of the following requirements:	
Standard A17		

## MORNINGTON PENINSULA PLANNING SCHEME

Standard	Modified Requirement
Standard B28	<ul style="list-style-type: none"> <li>There should be at least 90 square metres of private open space per dwelling, which may include communal open space.</li> <li>Individual private open space for each dwelling should include one space with a minimum dimension of 5 metres.</li> </ul>
Design detail Standard A19 Standard B31	<p>More than half of the external wall cladding of any dwelling should consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.</p> <p>All cladding and trim should be coloured and maintained in muted tones.</p> <p>The external finish of all buildings should have a reflectivity less than 40%. This requirement does not apply to:</p> <ul style="list-style-type: none"> <li>Solar panels.</li> <li>Roofing but only if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.</li> <li>The finish of a building extension if the floor area is increased by 25% or less and the colour matches that of the existing building.</li> </ul>
Fence height Standards A20/B32	<p>Fencing along a street frontage should have a maximum height of 1.5 metres.</p> <p>Any fencing that is 3 metres or more from a road should have a height of less than 1.8 metres.</p>
Number of dwellings	<p>No more than one dwelling for every 650sqm of site area, excluding a dependant person's unit, may be constructed on a lot of less than 1,950sqm.</p> <p>No more than one dwelling for every 550sqm of site area, excluding a dependent person's unit, may be constructed on a lot of more than 1,950sqm in area.</p>

## 3.0

22/07/2021  
C255morn

## Subdivision

The average area of all lots within a subdivision should be no less than 650 square metres. The calculation of average dot area should:

- exclde land that is capable of further subdivision, and
- include land set aside as common property or land that is to be transferred to Council for public open space and recreation over and above that which may be required under Section 18 of the Subdivision Act 1988, and
- each lot must be able to contain a rectangle with minimum dimensions of 18m x 25m.

These requirements cannot be varied with a permit except where:

- Two or more dwellings lawfully exist and the purpose of the subdivision is to create a separate lot for each of those dwellings.
- The subdivision is proposed in conjunction with an application for two or more dwellings on a lot with an area of more than 1,950sqm and the subdivision will create a separate lot for each of these dwellings.
- The subdivision is in compliance with a restructuring plan under Clause 45.05.
- The subdivision is in compliance with a development plan under Clause 43.04.
- The subdivision realigns the boundary between existing lots, provided no additional lot or additional subdivision potential is created.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.



## MORNINGTON PENINSULA PLANNING SCHEME

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The effect of the preferred character for Crib Point and Bittern.
- Whether any loss of amenity will result from a variation to the general requirements of this schedule.
- Whether it would be impractical to apply a general requirement to a lot with an area of less than 650sqm.
- Whether adequate fire protection measures are proposed particularly where the Bushfire Management Overlay applies.

## 7.0

## Transitional provisions

The requirements of the planning scheme as in force immediately before the approval date of Amendment C163 Part 2 continue to apply to a permit application made before 27 March 2014.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 20 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO20.

## CRIB POINT TOWN CENTRE RESIDENTIAL AREA

## 1.0

22/07/2021  
C255morn

## Design objectives

To promote the preferred future character of the township Point in the vicinity of the town centre and rail station as a low density country town on the coast with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.

To maintain the amenity of this area, which is associated with the relatively low intensity of residential development and traffic movement.

To encourage forms of development that provide for housing diversity.

To ensure the design of subdivision and housing is responsive to the environment, and form, site conditions and character of Crib Point's residential areas.

To ensure sites are large enough to accommodate development and substantial areas of open space while considering any bushfire risk and retaining or planting new vegetation.

To ensure that development densities are compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets, drainage systems and sewerage systems.

To ensure that the height, scale and siting of new development has proper regard for the established streetscape and development pattern.

To encourage building materials, forms, textures and colours that are compatible with the landscape setting.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To ensure that subdivision and development proposals have regard to heritage values.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, streetscape and open space areas.

To ensure that any subdivision and development incorporates adequate bushfire protection measures in areas at risk from bushfire.

## 2.0

20/01/2022  
VC205

## Buildings and works

## No permit required

A permit is not required if the development is for the purpose of a single dwelling on a lot but only if all of the following conditions are met:

- The lot has a single crossover
- Any building is setback from:
  - the frontage: the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).
  - a side road boundary: 3 metres.
  - a Transport Zone 2 or a Transport Zone 3: 10 metres or more.
  - a Public Park and Recreation Zone or a Public Conservation and Resource Zone: 10 metres or more.

## MORNINGTON PENINSULA PLANNING SCHEME

- Any building has a single storey construction with a wall height of 5.5 metres or less and a building height of 6.5 metres or less.
- Total site coverage is 40 per cent or less.
- No more than 50 per cent of the lot is covered by buildings, swimming pools, driveways and other impervious surfaces.
- More than half of any external wall cladding consists of brick, masonry timber, or simulated weatherboards.
- The external finish of any building is of a low reflectivity (less than 40 per cent reflectivity) and cladding and trims are coloured in muted tones. This does not apply to any of the following:
  - Solar panels.
  - Roofing, if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.
  - A building extension if the floor area is increased by 25 per cent or less and the colour matches that of the existing building.
- Any earthwork has a vertical dimension of one metre or less.

## Permit requirements

A permit is required to construct a fence. This does not apply to any of the following:

- A fence on a lot which contains an existing building if:
  - The fence has a height of 1.5 metres or less; or
  - The fence is located more than 3 metres from any road frontage.
- A post and wire fence with a height of 1.2 metres or less.

## Requirements

An application should meet all of the requirements contained in Clause 54 or Clause 55 of this Scheme.

The Additional Requirements in Table 1 of this Schedule should also be met except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable or unnecessary, and no loss of amenity will result.

The Mandatory Requirements of Table 1 cannot be varied with a permit.

Table 1 Design and siting requirements

Standard	Modified Requirement
Neighbourhood character	The design of new buildings should complement the general low profile built form of the area.
Standards A1/B1	<p>The difference between finished ground level and natural ground level as a result of excavation and filling should be one metre or less and all earthworks must be properly battered or retained.</p> <p>A building containing more than one storey should not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.</p> <p>A relocated building or moveable structure should be either a dependant person's unit or a newly pre-fabricated building.</p> <p>Car parking areas should be provided on site and sited either adjacent to or behind a dwelling or residential building.</p>
Integration with street Standard A2	There should be no more than one vehicular crossing per property.

## MORNINGTON PENINSULA PLANNING SCHEME

Standard	Modified Requirement	
Standard B5		
Minimum setback from streets and public land	The front setback should be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).	
Standard A3	The setback from a Transport Zone 2 or a Transport Zone 3 should be 10 metres or more.	
Street setback	The setback from any side road boundary should be 3 metres or more.	
Standard B6	A building should be set back at least 10 metres from a Public Park and Recreation Zone or Public Conservation and Resource Zone.	
	Sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.	
Building height Standards A4/B7	<p>A building should have a wall height of 5.5 metres or less and a building height of 6.5 metres or less.</p> <p>A building should not protrude above any mature tree canopy.</p>	<p><b>Mandatory Requirement</b></p> <p>A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:</p> <ul style="list-style-type: none"> <li>▪ A place of assembly building</li> <li>▪ A leisure and recreation building</li> <li>▪ A utility installation building</li> <li>▪ A hospital</li> <li>▪ An education centre</li> <li>▪ Alteration to or extension of a lawfully existing building if all of the following requirements are met: <ul style="list-style-type: none"> <li>– The maximum building height of the existing building is not exceeded.</li> <li>– The external bulk of the existing building is not significantly increased.</li> <li>– The footprint of the upper storey, existing at the approval date is not increased by more than 10%.</li> </ul> </li> </ul>
Site coverage and permeability Standards A5/B8	The total building site coverage should be 40% or less.	
Standards A6/B9	No more than 50% of a lot may be covered by buildings, swimming pools, driveways and other impervious surfaces except:	
	<ul style="list-style-type: none"> <li>▪ On lots with an area of less than 600 square metres that existed prior to 27 March 2014; or</li> <li>▪ Where a lot is created to provide a separate title for a dwelling which existed before 27 March 2014 and the total impervious surface site coverage of the overall development on the parent lot does not exceed 40%.</li> </ul>	
Significant trees / Landscaping Standards A8/ 13	<p>Buildings and works should be sited and designed to:</p> <ul style="list-style-type: none"> <li>▪ Retain large, established native trees and understorey.</li> <li>▪ Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone).</li> <li>▪ Have boundary setbacks and open space sufficient to enable: <ul style="list-style-type: none"> <li>– the retention of any significant existing vegetation.</li> <li>– the planting of one substantial tree in both the front setback and in the backyard.</li> </ul> </li> </ul> <p>New dwellings should have a landscape plan that includes substantial native trees and shrubs consistent with the composition of vegetation in the area.</p>	
Private open space Standard A17	Private open space for one or more dwellings should be provided to meet all of the following requirements:	

## MORNINGTON PENINSULA PLANNING SCHEME

Standard	Modified Requirement
Standard B28	<ul style="list-style-type: none"> <li>There should be at least 90 square metres of private open space per dwelling, which may include communal open space.</li> <li>Individual private open space for each dwelling should include one space with a minimum dimension of 5 metres.</li> </ul>
Design detail Standard A19 Standard B31	<p>More than half of the external wall cladding of any dwelling should consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.</p> <p>All cladding and trim should be coloured and maintained in muted tones.</p> <p>The external finish of all buildings should have a reflectivity less than 40%. This requirement does not apply to:</p> <ul style="list-style-type: none"> <li>Solar panels.</li> <li>Roofing but only if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.</li> <li>The finish of a building extension if the floor area is increased by 25% or less and the colour matches that of the existing building.</li> </ul>
Fence height Standards A20/B32	<p>Fencing along a street frontage should have a maximum height of 1.5 metres.</p> <p>Any fencing that is 3 metres or more from a road should have a height of less than 1.8 metres.</p>
Number of dwellings	No more than one dwelling for every 500sqm of site area, excluding a dependent person's unit, may be constructed on a lot.

## 3.0

22/07/2021  
C255morn

## Subdivision

The average area of all lots within a subdivision should be no less than 600 square metres. The calculation of average dot area should:

- excl~~ude~~ land that is capable of further subdivision, and
- incl~~ude~~ land set aside as common property or land that is to be transferred to Council for public open space and recreation over and above that which may be required under Section 18 of the Subdivision Act 1988, and
- each lot must be able to contain a rectangle with minimum dimensions of 18m x 25m.

These requirements cannot be varied with a permit except where:

- Two or more dwellings lawfully exist and the purpose of the subdivision is to create a separate lot for each of those dwellings.
- The subdivision is proposed in conjunction with an application for two or more dwellings on a lot and the subdivision will create a separate lot for each of these dwellings.
- The subdivision is in compliance with a restructure plan under Clause 45.05.
- The subdivision is in compliance with a development plan under Clause 43.04.
- The subdivision realigns the boundary between existing lots, provided no additional lot or additional subdivision potential is created.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The effect of the preferred character for Crib Point and Bittern.
- Whether any loss of amenity will result from a variation to the general requirements of this schedule.
- Whether it would be impractical to apply a general requirement to a lot with an area of less than 600 sqm.
- Whether adequate fire protection measures are proposed particularly where the Bushfire Management Overlay applies.

## 7.0

## Transitional provisions

The requirements of the planning scheme as in force immediately before the approval date of Amendment C163 Part 2 continue to apply to a permit application made before 27 March 2014.

## MORNINGTON PENINSULA PLANNING SCHEME

13/10/2022  
C282morn

## SCHEDULE 21 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO21.

## CRIB POINT TOWN CENTRE AND COMMERCIAL AREA

## 1.0

13/10/2022  
C282morn

## Design objectives

To ensure new developments respect the established character and development pattern of the Crib Point Town Centre and reinforce the coastal country village character of Crib Point.

To ensure development enhances existing buildings and features.

To ensure new developments are designed to address the street frontage enabling activity and passive surveillance of the public realm and strengthen pedestrian connections within the commercial areas.

To encourage development that strengthens the informal landscape setting of the area.

## 2.0

13/10/2022  
C282morn

## Buildings and works

A permit is not required to:

- Install an automatic teller machine.
- Alter an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter
  - At least 80 percent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- Construct an awning that projects over a road if it is authorised by the relevant public land manager
- Install a rainwater tank with a capacity of not more than 4500 litres provided it is constructed at ground level or above.

The following buildings and works requirements apply to an application to construct a building or for a contractor to carry out works:

The following requirements are mandatory and cannot be varied with a permit:

- All new development must be connected to:
  - A reticulated sewerage system or an alternative approved by the responsible authority
  - A reticulated drainage system or alternative approved by the responsible authority
- A building must not exceed a height of 8.5 metres and must not contain more than 2 storeys.

The following requirements should be met:

## Building height, form and layout

- The upper level of any two storey building should be setback a minimum of 3 metres from the front boundary to integrate with the existing built form.
- Building roof form should be pitched or incorporate a parapet design.
- Plant equipment, vents and any other mechanical equipment should be carefully sited or incorporated into the roof design such that it is screened or concealed from the views from the street, surrounding public spaces and buildings.
- Water storage or tanks should be located away from public view, and not impact on the visual amenity of adjoining lots.

## MORNINGTON PENINSULA PLANNING SCHEME

## Siting and setbacks

- Buildings should be oriented towards street frontages.
- New developments should be built to front and side boundaries other than where abutting a residential zone.
- A new building not on or within 200mm of a boundary to a residential zone interface should be setback from side or rear boundaries at least the distance specified in a schedule to the zone, or if no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres plus 1 metre for every metre of height over 6.9 metres.
  - Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks.
  - Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks.
- Setbacks to side and rear boundaries with a residential zone interface should meet the above requirements other than:
  - providing a minimum 3 metre setback from the rear boundary interface for landscaping;
  - providing a minimum 1.5 metre setback from a side boundary interface for landscaping or pedestrian access.

## Building materials, design and details

- Use muted finishes and materials to complement the predominant existing palette of materials in the area and the surrounding natural environment.
- All building walls that are visible from the street or public open spaces should be articulated to provide visual interest.

## Pedestrian interfaces

- Ground floor frontages should enable visual interest through provision of active frontages including a minimum of 80% glazing in the facade that fronts the street.
- Developments should incorporate weather protection over footpaths into building form, preferably in the form of a verandah.
- Developments should avoid large, blank walls or uniform front facades.

## Vegetation and landscaping

- Retain and/or plant mature, established or canopy trees where possible, with a preference for indigenous species where suitable and appropriate.
- Provide low informal landscaping along pedestrian walkways and car parking areas, where appropriate.

## Parking and access

## Vehicle Access

- Avoid additional vehicle crossover to streets for new development where possible.
- Where practical, limit vehicle entry points to one consolidated entry and exit in order to minimise disruption to traffic and pedestrian movement.
- Group access points between properties and limit double crossover widths to large sites.
- Locate storage and loading areas to the rear of the site.

## Pedestrian Access



## MORNINGTON PENINSULA PLANNING SCHEME

- Separate pedestrian and vehicular traffic movements with pedestrian crossings and dedicated footpaths, where possible.
- Articulate pedestrian entrances and walkways through architectural expression.
- Provide shaded bicycle parking, walkways and seating areas.
- Consider raised pedestrian access across vehicle crossover to slow vehicles and provide pedestrian priority.

## Car Parking Areas

- Where practical, provide significant canopy trees and landscaping that can assist in shading car parking areas to mitigate heat impacts.

## 3.0

22/07/2021  
C255morn

## Subdivision

None specified.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## 5.0

13/10/2022  
C282morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- A site and context analysis and design response which provides an assessment of how the proposal responds to the design objectives of this schedule.
- A landscape plan with maintenance schedule drawn to scale and prepared by a suitably qualified landscape professional that shows or includes:
  - A survey that includes the location and botanical names of all existing vegetation to be retained and those to be removed;
  - A planting schedule of all proposed trees, shrubs and ground covers, including location, botanical names, common names, pot sizes, width and height at maturity and quantity of each plant;
  - The percent of species selection by type and number that is indigenous to the local Ecological Vegetation Class (EVC) where the indigenous component should be at least 50 percent.
  - The pot size and height of all trees and shrubs during installation should have a minimum pot size of 250 millimetres and minimum height of 1.5 metres while shrubs should have a minimum pot size of 200 millimetres.
  - The location of easements, both proposed and existing should not be located under trees with a mature height over 5 metres.
  - The delineation of all excavation, garden beds, paving, grassed areas, retaining walls, fences and other landscape works;
  - Details of landscaping and planting within all open areas of the site;
  - Details of any tree protection methods required in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites.
  - Notes regarding site preparation including the removal of all weeds, proposed mulch, planting instructions, plant establishment procedures and any specific maintenance requirements.

## MORNINGTON PENINSULA PLANNING SCHEME

- If the land is in a bushfire prone area, landscaping should be of a low-threat bushfire risk as defined in c2.2.3.2 of Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas

## 6.0

13/10/2022  
C282morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered as appropriate by the responsible authority:

- Whether the proposal contributes to the existing built form and scale of the character of the Crib Point Town Centre.
- Whether the proposal respects the established character of the area.
- Whether the landscaping is of a low-threat bushfire risk if the land is in a bushfire prone area.
- Whether the proposal provides an appropriate landscaped setting and allows for passive surveillance of the public realm and strengthened pedestrian connections.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 22 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO22.

## MORNINGTON NORTH OUTLINE DEVELOPMENT PLAN – PRECINCT 1B

## 1.0

22/07/2021  
C255morn

## Design objectives

To promote the preferred character of the area as part of a well-landscaped low density residential edge to Mornington that contributes to Mornington's sense-of-place as a township in a rural setting.

To ensure the design of subdivision and housing is responsive to the low-density residential character of the area, to the location at the entry to the Mornington township and to the need for an interface that is sensitive to the landscape values of the Green Wedge adjacent to the area.

To ensure that the height, siting and density of residential development has proper regard for the low-density residential character and streetscape of the area.

To site and design buildings and public spaces in a way that encourages a vegetation-dominated landscape setting, including tall tree canopies that are prominent in long range views towards and views within the area.

To ensure the area contributes to the open space network and non-vehicular linkages in the locality.

To encourage the design of all development to incorporate Environmentally Sustainable Design principles.

## 2.0

22/07/2021  
C255morn

## Buildings and works

## No permit required

A permit is not required to construct a building or constructor carry out works for any of the following, but only if, the General requirements set out in this schedule are met:

- A single dwelling.
- A dwelling extension or alteration.
- An outbuilding.
- A dependent person's unit.

Note: The Mandatory requirements of this schedule also apply.

## Permit required

An application to construct a building or constructor carry out works should meet the General requirements of this schedule.

A permit is required to construct a fence. This does not apply to any of the following:

- A fence that is setback 7.5 metres or more from the frontage of the lot.
- A fence that is a post and wire fence with a height of 1.2 metres or less.

Note: The Mandatory requirements of this schedule also apply.

## General requirements

- All lots must have a single crossover

## Mandatory requirements

The following requirements apply, as appropriate to all buildings and works, whether or not a permit is required.

## MORNINGTON PENINSULA PLANNING SCHEME

## Sewerage and drainage

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority
- A reticulated drainage system or an alternative approved by the responsible authority

These requirements cannot be varied with a permit.

## Number of dwellings

No more than one dwelling, excluding a dependent person's unit, may be constructed on a lot.

This requirement cannot be varied with a permit.

## Maximum building height

A building must have a maximum building height of no more than 9 metres and must contain no more than 2 storeys above natural ground level.

This requirement cannot be varied with a permit.

## Minimum building setbacks and site coverage

- A building must be setback at least 5 metres from the frontage, 3 metres from a side boundary and 7.5 metres from a rear boundary
- A building on a lot along Baldock Road must be setback at least 20 metres from a rear boundary
- The site coverage of a lot must not be more than 30 percent or 1,000 square metres, whichever is the lesser

Sunblinds, verandah eaves fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

These requirements cannot be varied with a permit.

## 3.0

22/07/2021  
C255morn

## Subdivision

## Minimum lot size

A subdivision must meet all of the following requirements:

- All lots along Bungower Road must be at least 3,000 square metres.
- All lots along Baldock Road must be at least 6,000 square metres.

These requirements cannot be varied with a permit.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 6.0

## Exemption

An application for a fence or a single dwelling, a dwelling extension or alteration, an outbuilding or a dependent person's unit is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

## 7.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- Whether any loss of amenity or the low-density residential character of the area will result from a variation to the requirements of this schedule.
- Whether the siting and design of a building adequately contributes to the low-density residential character and the vegetation-dominated landscape setting of the area.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 23 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO23.

## HENDERSONS – CRESWELL RESIDENTIAL PRECINCT

## 1.0

22/07/2021  
C255morn

## Design objectives

To promote the preferred future character of the area as a low density edge to the Bittern township with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.

To maintain the amenity of this area, which is associated with the relatively low intensity of residential development and traffic movement.

To ensure the design of subdivision and housing is responsive to the environment and form, site conditions and existing character of the Hendersons- Creswell Residential Precinct.

To ensure sites are large enough to accommodate development and substantial areas of open space while considering any bushfire risk and retaining or planting new vegetation.

To ensure that development densities are compatible with the environmental infrastructure and service capacities of the area including the capacity of local streets drainage system and sewerage systems.

To ensure that the height, scale and siting of new development has proper regard for the established streetscape and development pattern.

To encourage building materials forms, textures and colours that are compatible with the landscape setting.

To ensure that buildings are designed and sited to avoid being visually obtrusive, when viewed from surrounding streets and properties.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, streetscape and open space areas.

## 2.0

22/07/2021  
C255morn

## Buildings and works

No permit required

A permit is not required if the developments for the purpose of a single dwelling on a lot but only if all of the following conditions are met:

- The lot has a single crossover
- Any building is setback from:
  - the frontage: the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).
  - a Public Park and Recreation Zone: 10 metres or more.
- Any building is single storey with a wall height of 5.5 metres or less and a building height of 6.5 metres or less.
- Total site coverage is 35 per cent or less.
- No more than 40 per cent of the lot is covered by buildings, swimming pools, driveways and other impervious surfaces.
- More than half of any external wall cladding consists of brick, masonry timber, simulated weatherboard or powder coated metal.

## MORNINGTON PENINSULA PLANNING SCHEME

- The external finish of any building is of a low reflectivity, and cladding and trims are coloured in muted tones. This does not apply to any of the following:
  - Solar panels.
  - Roofing, if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.
  - A building extension if the floor area is increased by 25 per cent or less and the colour matches that of the existing building.
- Any earthwork has a vertical dimension of one metre or less.

## Permit requirements

A permit is required to construct a fence. This does not apply to any of the following:

- A fence on a lot which contains an existing building if:
  - The fence has a height of 1.5 metres or less; or
  - The fence is located more than 3 metres from any road frontage.
- A post and wire fence with a height of 1.2 metres or less.

## Requirements

An application should meet all of the requirements contained in Clause 54 or Clause 55 of this Scheme.

The additional design and siting requirements in Table 1 of this Schedule should also be met except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable or unnecessary and no loss of amenity will result.

The Mandatory Requirements for Building Height and Number of Dwellings specified in Table 1 cannot be varied with a permit.

Table 1 Design and siting requirements

Standard	Modified Requirement
Neighbourhood character	The design of new buildings should complement the general low profile built form of the area.
Standard A1	<p>The difference between finished ground level and natural ground level as a result of excavation and filling should be one metre or less and all earthworks must be properly battered or retained.</p> <p>A building containing more than one storey should not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.</p> <p>A relocated building or moveable structure should be either a dependant person's unit or a newly pre-fabricated building.</p> <p>Car parking areas should be provided on site and sited either adjacent to or behind a dwelling or residential building.</p>
Standard B1	
Integration with street	
Standard A2	
Standard B5	There should be no more than one vehicular crossing per property.
Street setback	<p>The front setback should be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater),</p> <p>Sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.</p>
Standard A3	
Standard B6	

## MORNINGTON PENINSULA PLANNING SCHEME

Standard	Modified Requirement
Public land setback	A building should be set back at least 10 metres from a Public Park and Recreation Zone.
Building height Standard A4 Standard B7	<p>A building should have a wall height of 5.5 metres or less and a building height of 6.5 metres or less.</p> <p>A building should not protrude above any mature tree canopy.</p> <p><b>Mandatory Requirement</b></p> <p>A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level.</p> <p>This does not apply to any of the following:</p> <ul style="list-style-type: none"> <li>▪ A place of assembly building</li> <li>▪ A leisure and recreation building</li> <li>▪ A utility installation building</li> <li>▪ A hospital</li> <li>▪ An education centre</li> <li>▪ A minor extension or alteration to a lawfully existing building where the proposed maximum building height would not exceed the existing building height.</li> </ul>
Site coverage Standard A5 Standard B8	The total building site coverage should be 35 per cent or less.
Permeability Standard A6 Standard B9	No more than 40 per cent of a lot may be covered by buildings, swimming pools, driveways and other impervious surfaces.
Significant trees Standard A8 Landscaping Standard B13	<p>Buildings and works should be sited and designed to:</p> <ul style="list-style-type: none"> <li>▪ Retain large, established native trees and understorey.</li> <li>▪ Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone).</li> <li>▪ Have boundary setbacks and open space sufficient to enable: <ul style="list-style-type: none"> <li>– the retention of any significant existing vegetation.</li> <li>– the planting of one substantial tree in both the front setback and in the backyard.</li> </ul> </li> </ul> <p>New dwellings should have a landscape plan that includes substantial native trees and shrubs consistent with the composition of vegetation in the area.</p>
Private open space Standard A17 Standard B28	<p>Private open space for one or more dwellings should be provided to meet all of the following requirements:</p> <ul style="list-style-type: none"> <li>▪ There should be at least 90 square metres of private open space per dwelling, which may include communal open space.</li> <li>▪ Individual private open space for each dwelling should include one space with a minimum dimension of 5 metres.</li> </ul>
Design detail Standard A19 Standard B31	<p>More than half of the external wall cladding of any dwelling should consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.</p> <p>All cladding and trim should be coloured and maintained in muted tones.</p> <p>The external finish of all buildings should be in muted tones. This requirement does not apply to:</p> <ul style="list-style-type: none"> <li>▪ Solar panels.</li> </ul>



## MORNINGTON PENINSULA PLANNING SCHEME

Standard	Modified Requirement
	<ul style="list-style-type: none"> <li>Roofing but only if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.</li> <li>The finish of a building extension if the floor area is increased by 25 percent or less and the colour matches that of the existing building.</li> </ul>
Fence height Standard A20 Standard B32	Fencing along a street frontage should have a maximum height of 1.5 metres. Any fencing that is 3 metres or more from a road should have a height of less than 1.8 metres.
Number of dwellings	Mandatory Requirement No more than one dwelling, excluding a dependant person's unit, may be constructed on each lot.

## 3.0

22/07/2021  
C255morn

## Subdivision

A subdivision must meet all of the following requirements:

- Each lot must be at least 900 square metres,
- Each lot must be able to contain a rectangle with minimum dimensions of 18 metres x 25 metres.

This does not apply to any of the following:

- A subdivision of Lot 58 L.P.6682 into five lots or less, with one of the lots containing the existing dwelling.
- A subdivision by a public authority or utility service provider which does not create an additional lot other than for the sole purpose of open space or a minor utility installation.
- A subdivision that realigns the boundary between existing lots and no additional lot or additional subdivision potential is created.

Any subdivision application must be supported by a site analysis and site development plan that responds to the design objectives of this Schedule.

## 4.0

22/07/2021  
C255morn

## Signs

None specified.

## 5.0

22/07/2021  
C255morn

## Application requirements

None specified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The effect on the preferred character of Bittern.
- Whether any loss of amenity will result from a variation to the general requirements of this schedule.
- Whether it would be impractical to apply a general requirement to a lot with an area of less than 900 square metres.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 24 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO24.

## BELEURA HILL, MORNINGTON

Map 1 to Schedule 24 to Clause 43.02

Beleura Hill Area with the Precincts referred to in Clause 2.0 of this Schedule.



## 1.0

22/07/2021  
C255morn

## Design objectives

To ensure that the design of subdivision and buildings and works is responsive to the existing and preferred character of the area as set out in the Beleura Hill Design Guidelines (April 2015).

To recognise that Beleura Hill is an area where substantial vegetation cover is a dominant visual and environmental feature by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and providing for new landscaping and private open space.

To maintain the landscape and 'hillside' character of the Beleura Hill area and its function as a landmark and green backdrop for Mornington.

## MORNINGTON PENINSULA PLANNING SCHEME

To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, by reflecting the existing rhythm of dwelling spacing and development density and to promote the appearance of dwellings within a landscaped setting.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To protect shared viewlines where reasonable and practical.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the hillside landscape.

To maintain and enhance visual connection between the shared streetspace and private properties and between front yards, and enable the continuous flow of vegetation between roadsides and private space.

## 2.0

22/07/2021  
C255morn

## Buildings and works

## No permit required

If all of the following conditions are met, a permit is not required to construct a building or construct or carry out works for the purposes of a single dwelling, dwelling extension, outbuilding or a dependent person's unit:

- All of the modified Clause 54 standards specified in Table 1 are met.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised

Note: The Mandatory requirements of this schedule also apply.

## Permit required

A permit is required to construct a front fence within 3 metres of a street with a height of more than 1.5 metres.

## Requirements

An application to construct a building or construct or carry out works must meet all of the Design Objectives of this Schedule and should meet all of the variations of Clause 54 or Clause 55 shown in Table 1.

Table 1 Modified Requirements of Clause 54 (One Dwelling on a Lot) and Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) Standards

	Standard	Modified Requirement
Integration with the street	Standard A2 Standard B5	There should be no more than one single-width vehicular access point to the street.  This does not apply to an application for the purpose of a dwelling extension or an outbuilding.
Street setback	Standard A3 Standard B6	The minimum setback from a front street should be at least 7.5 metres.
Building height	Standard A4 Standard B7	The maximum building height should not exceed 8 metres (or 9 metres on a slope of 2.5 per cent).
Site coverage	Standard A5	The site area covered by buildings should not exceed:

## MORNINGTON PENINSULA PLANNING SCHEME

Standard		Modified Requirement
	Standard B8	<ul style="list-style-type: none"> <li>In Precinct 1: 40 per cent;</li> <li>In Precincts 2 and 3: 50 per cent.</li> </ul>
Permeability	Standard A6 Standard B9	<p>The site area covered by pervious surfaces should be at least:</p> <ul style="list-style-type: none"> <li>In Precinct 1: 40 per cent;</li> <li>In Precincts 2 and 3: 30 per cent.</li> </ul>
Side and rear setbacks	Standard A10 Standard B17	<p>A new building should be setback the following distance from a side boundary:</p> <p>In Precincts 1 and 2: a total of 4 metres for both setbacks, with a minimum setback of 1 metre, plus 0.3 metre of setback for every metre of height over 3.6 metres up to 6.0 metres, plus 1 metre of setback for every metre over 6.9 metres.</p> <p>A new building should be setback the following distance from a rear boundary:</p> <ul style="list-style-type: none"> <li>In Precinct 1: at least 8 metres;</li> <li>In Precincts 2 and 3: at least 6 metres.</li> </ul> <p>A new building should be setback at least 10 metres from land in a Public Park and Recreation Zone.</p>
Private open space	Standard B28	<p>The construction of two or more dwellings on a lot should have private open space for each dwelling consisting of:</p> <ul style="list-style-type: none"> <li>In Precinct 1: secluded private open space at the side or rear of the dwelling with a minimum area of 60 square metres, a minimum dimension of 4 metres and convenient access from a living room.</li> <li>In Precincts 2 and 3: secluded private open space at the side or rear of the dwelling with a minimum area of 40 square metres, a minimum dimension of 3 metres and convenient access from a living room.</li> </ul>

## Mandatory Requirements

## Maximum building height

A building must have a maximum building height of no more than 10 metres and must contain no more than 2 storeys above natural ground level.

This does not apply to any of the following:

- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay of Clause 43.04.
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.

## MORNINGTON PENINSULA PLANNING SCHEME

- The maximum building height of the existing building is not exceeded.
- The external bulk of the existing building is not significantly increased.
- The footprint of the upper storey existing at the approval date, is not increased by more than 10 percent.

These requirements cannot be varied with a permit.

## Number of dwellings

If there is more than one dwelling on a lot, then the maximum number of dwellings on a lot must meet the requirements of Table 2 of this Schedule. This does not apply to dwellings that comply with a plan approved under a schedule to the Development Plan Overlay of Clause 43.04.

Table 2 Maximum number of dwellings on a lot

Precinct shown on Map 1 to this clause	Maximum number of dwellings on a lot
Precinct 1	No more than one dwelling for every 700 square metres of the total area of the lot.
Precinct 2	No more than one dwelling for every 500 square metres of the total area of the lot.
Precinct 3	No more than one dwelling for every 400 square metres of the total area of the lot.

These requirements cannot be varied with a permit.

## 3.0

22/07/2021  
C255morn

## Subdivision

## Mandatory Requirements

The average area of all lots within a subdivision must be no less than the area specified in Table 3 of this Schedule. These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a plan approved under a schedule to the Development Plan Overlay of Clause 43.04.

Land that is capable of further subdivision is excluded from the calculation of average lot area. The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot area.

Battle-axe lots must have a minimum frontage of six metres, shared by up to four lots.

Table 3 Minimum average lot size for subdivision

Precinct shown on Map 1 to this clause	Minimum average lot size for subdivision
Precinct 1	700 square metres
Precinct 2	500 square metres
Precinct 3	400 square metres

These requirements cannot be varied with a permit except if one of the following applies:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed or been lawfully approved on a lot before the approval date and the subdivision proposes to create separate lots for each dwelling.
- The subdivision excises land for a utility installation or other public purpose.

## MORNINGTON PENINSULA PLANNING SCHEME

## 4.0

22/07/2021  
C255morn

## Signs

Nonespecified.

## 5.0

22/07/2021  
C255morn

## Application requirements

Nonespecified.

## 6.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The design objectives of this schedule.
- Where an application does not meet a requirement in Table 1 to this Schedule whether the departure from the requirement assists in attainment of the preferred character statement and design objectives for the relevant Precinct set out in the Beleura Hill Design Guidelines– April 2015.
- The extent to which the application responds to the Beleura Hill Design Guidelines– April 2015.

## 7.0

## Transitional Provisions

The requirements of this schedule do not apply to an application made before the commencement of Amendment C189. For applications made before the commencement of Amendment C189 the requirements of this scheme as they were in force immediately before the commencement of Amendment C189, continue to apply.

## 8.0

## Background documents

Beleura Hill Neighbourhood Character Study (November 2014)

Beleura Hill Design Guidelines (April 2015)

## MORNINGTON PENINSULA PLANNING SCHEME

30/06/2022  
C269morn

## SCHEDULE 25 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO25.

## BAXTER TOWN CENTRE

## 1.0

30/06/2022  
C269morn

## Design objectives

- To facilitate new retail and commercial use and development integrated with housing around the railway station.
- To deliver a community facility to meet the needs of the local community as part of any development of the commercially zoned land between Stent Street and James Street.
- To ensure that development makes a positive contribution to the character of the town centre and improves the public environment.
- To improve the connection between the town centre and the railway station and provide a more integrated and coherent town centre with improved pedestrian cycling, vehicle and public transport access and connectivity
- To ensure development provides minimal visual impact to the nearby green wedge land.

## 2.0

30/06/2022  
C269morn

## Buildings and works

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- A building should not exceed a maximum of 11 metres (3 storeys).
- Any third storey should be setback a minimum of 3 metres from the wall below.
- Where the lot adjoins the Transport Zone 1, the first and second storeys should be setback 5 metres from the lot boundary which adjoins the Transport Zone 1 land. This setback should include landscaping such as canopy trees, that soften and improve the interface to the train station whilst improving pedestrian connectivity
- Development should incorporate active frontages at ground floor fronting all streets (except rear access lanes) and Transport Zone 1 land.
- Buildings should be articulated to breakdown building mass through the use of materials and finishes.
- Maximum front fence height of 1.5 metres with 25% transparency or 1.8 metres with 50% transparency along a street or public pathway

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed
  - 1.8 metres for a street in a Transport Zone 2.
  - 1.2 metres for all other streets.

## 3.0

30/06/2022  
C269morn

## Subdivision

None specified

## 4.0

30/06/2022  
C269morn

## Signs

None specified

## MORNINGTON PENINSULA PLANNING SCHEME

## 5.0

30/06/2022  
C269morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 43.02 for the land at 18 Thomas Street, Baxter, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- An Ecological Assessment prepared by a suitably qualified professional which addresses the following:
  - The identification of the fauna habitat on the site and its surrounds in particular relating to *Crinia signifera* (Common Eastern Froglet), *Limnodynastes tasmaniensis* (Spotted Marsh Frog) and *Litoria ewingii* (Brown Tree Frog).
  - The impact of the use and development on the identified habitat/s found on the site and its surrounds.
  - How any identified habitat/s is to be protected and/or enhanced and managed on an ongoing basis, following a targeted survey for the species.
  - Avoidance and mitigation of impacts on the ecological habitat.

## 6.0

30/06/2022  
C269morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The extent to which proposed buildings respect the preferred scale and form of development.
- The design response and interactions between the private and public realms.
- The contribution of the proposal to the existing character of the Baxter township.
- The connection of the proposal to the Baxter Railway Station.
- Whether the development is visually obtrusive when viewed from nearby adjacent green wedge land.
- Whether the proposal is consistent with the Baxter Township Structure Plan March 2019



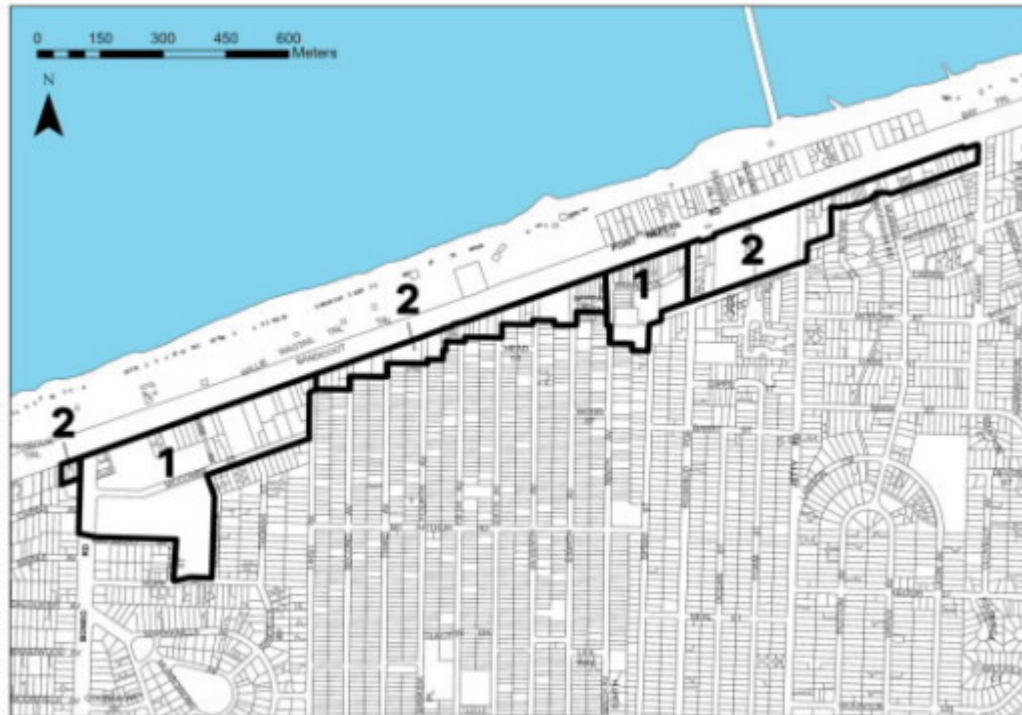
## MORNINGTON PENINSULA PLANNING SCHEME

22/11/2019  
C206morn

## SCHEDULE 26 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO26.

## ROSEBUD ACTIVITY CENTRE



Map 1 - DDO26 area.

## 1.0

22/11/2019  
C206morn

## Design objectives

- To ensure that development makes a positive contribution to the low scale, coastal character of the Rosebud Activity Centre.
- To ensure that development enhances the unique character of Point Nepean Road, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs.
- To ensure development incorporates environmentally sustainable design.

## 2.0

22/11/2019  
C206morn

## Buildings and works

## Permit required

The following general requirements apply to an application to construct a building or construct or carry out works:

## Height requirements

- A building should not exceed the maximum building height and the number of storeys specified in Column 2 of Table 1 to this schedule.

## Setback requirements

- A building should be setback at least the distances specified in Column 3 of Table 1.
- A building with a frontage to Point Nepean Road should have a setback from that road that is at least the distances specified in Column 3 of Table 1.

## MORNINGTON PENINSULA PLANNING SCHEME

- Elevated balconies should be set within the principal façades.
- A “roof deck”, being an area that is located above the upper storey of a building and that is designed and used as open space associated with any use in the building, should:
  - be setback at least 2 metres from the roof edge on all sides.
  - not include any structures or elements that exceed a height of 1.7 metres, apart from an access structure.
  - be accessed by a structure that does not enclose any useable floor space (other than for the purpose of access) and does not exceed 2.4 metres in height (measured from floor level at the point of access onto the roof deck).
  - not be located above any fourth storey of a building.

Table 1 Height and Setback Requirements

Note: References to storeys do not include any basement.

Areas	Maximum building height	Minimum building setback
Area 1	14 metres (4 storeys)	Minimum side setback for development fronting Point Nepean Road is zero.  Any third storey: <ul style="list-style-type: none"> <li>▪ 5 metres from any road reserve, except Wannaeue Place.</li> <li>▪ 9 metres from land in a residential zone.</li> </ul> Any fourth storey: <ul style="list-style-type: none"> <li>▪ 9 metres from Wannaeue Place and McComb Street (between Boneo Road and Rosebrook Street) and Rose Avenue.</li> <li>▪ 20 metres from any other road or from land in a residential zone.</li> </ul>
Area 2	11 metres (3 storeys)	Any third storey: <ul style="list-style-type: none"> <li>▪ 5 metres from any road reserve.</li> <li>▪ 9 metres from land in a residential zone.</li> </ul>

## 3.0

22/11/2019  
C206morn

## Subdivision

A permit is not required to subdivide land.

## 4.0

22/11/2019  
C206morn

## Signs

None specified.

## 5.0

22/11/2019  
C206morn

## Application requirements

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

## 6.0

22/11/2019  
C206morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- Whether proposed buildings are compatible with and respect the character of neighbouring buildings within the same streetscape.
- Whether proposed buildings obscure view lines from the public realm to Port Phillip or the foreshore.
- Whether proposed buildings front adjoining streets and open spaces provide for continuous active frontages at ground level and for weather protection along key pedestrian links.
- The extent to which the proposal exceeds the number of vehicle access points to Point Nepean Road prescribed by traffic requirements.
- The extent to which the design of buildings incorporates environmentally sustainable design.

If an application includes a proposal for a building height above the preferred specified in Table 1, the responsible authority must also consider:

- Site context and amenity of adjoining buildings.
- Contribution of the proposal to the character of Rosebud.
- Achieving excellence in architectural design.
- Achieving heritage restoration and adaptive re-use, if applicable.
- Enhancing the amenity of public land and open spaces.
- Protection of views to the upper half of Arthurs Seat when viewed from the northern side of Point Nepean Road.
- Impact on views from public land to Arthurs Seat and Port Phillip.
- Protection of adequate solar access to public spaces including Wannaeu Place.

## MORNINGTON PENINSULA PLANNING SCHEME

19/12/2019  
C190morn

## SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO27.

## HASTINGS ACTIVITY CENTRE RETAIL CORE



## 1.0

19/12/2019  
C190morn

## Design objectives

- To ensure that development makes a positive contribution to the low scale, 'country town on the coast' character of the Hastings Activity Centre.
- To ensure that development enhances the unique character of High Street, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs.
- To ensure that buildings along Queen, Church, Elizabeth and Herring Streets provide a sympathetic interface with residential development on the opposite side of those streets.
- To ensure development incorporates environmentally sustainable design principles.
- To encourage the rear or side elevation of buildings that open onto laneways or public spaces to have an 'active frontage' to these spaces.

## 2.0

19/12/2019  
C190morn

## Buildings and works

## Permit required

The following requirements apply to an application to construct a building or construct or carry out works.

## General requirements

- An application to construct a building that exceeds a building height of 7 metres should be accompanied by a site context and design response report that demonstrates how the proposal achieves the design objectives and the requirements of this schedule.
- Buildings should be:

## MORNINGTON PENINSULA PLANNING SCHEME

- of a high quality in terms of architecture and urban design, make a positive contribution to the 'countryside on the coast' character of High Street and reinforce that character in all other streetscapes.
  - designed to respond to the existing scale and character of streetscapes when viewed from the pedestrian network.
  - designed to address all adjoining streets and open space reserves.
  - designed to provide continuous active frontages at ground level and weather protection along key pedestrian links.
  - designed to ensure that visual bulk to the street is minimised by the use of materials and colours and detailing and articulation of facades.
  - designed in a way that respects the view lines from the public realm to Western Port and the foreshore.
  - designed to minimise the visibility of car parking facilities from adjoining land, street reserves and other reserves.
  - oriented towards the foreshore environment, where applicable, to maximise opportunities for views over the foreshore and water, both at the ground level and upper level balconies.
- A 'roof deck', being an area that is located above the upper storey of a building that is designed and used as open space for any use in the building, should:
    - be setback at least 2 metres from the roof edge on all sides.
    - not include any structures or elements that exceed a height of 1.7 metres, apart from an access structure.
    - be accessed by a structure that does not enclose any useable floor space (other than for the purpose of access) and does not exceed 2.4 metres in height (measured from floor level at the point of access onto the roof deck).
  - Building frontages in the core retail areas and along main pedestrian links should have at least 75% 'active' frontages to add to the activity and vitality of the streets. This can be achieved through design elements such as clear glazing, locating entrances off principal street spaces, providing balconies or terraces at the upper levels and others.
  - Minimise the width of driveway entrances and the visual impact of garage doors on building frontages.
  - Provide vehicle access from rear laneways wherever possible.

## Height and setback requirements

- Building heights should not exceed 11 metres (3 storeys).
- Any first (ground floor) and second storeys should be setback 3 metres from Queen, Church and Elizabeth Street.
- Any third storey should be setback:
  - 5 metres from High Street
  - 9 metres from Queen, Church and Elizabeth Street
  - 3 metres from any other road reserves
  - 9 metres from land in the General Residential Zone.

Note: reference to storeys do not include any basement.

## MORNINGTON PENINSULA PLANNING SCHEME

## 3.0

19/12/2019  
C190morn

## Subdivision

A permit is not required to subdivide land.

## 4.0

19/12/2019  
C190morn

## Signs

None specified.

## 5.0

19/12/2019  
C190morn

## Application requirements

None specified.

## 6.0

19/12/2019  
C190morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The extent to which proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network.
- Whether the design of public spaces increases the planting of indigenous vegetation.
- Whether proposed buildings obscure view lines from the public realm to Western Port or the foreshore.
- Whether the proposal applies Environmentally Sustainable Design and Water Sensitive Urban Design techniques.

Before making any determination of an appropriate building height the responsible authority must consider:

- The site context
- Impact on amenity of adjoining buildings.
- Impact on overall excellence in architectural design.
- Implementation of environmental sustainability principles.
- Achievement of heritage restoration and adaptive re-use, where applicable.
- Any impact on the amenity of public land, where applicable.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 28 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO28.

## OCEAN BEACH ROAD COMMERCIAL PRECINCT

## 1.0

22/07/2021  
C255morn

## Design objectives

To ensure that development makes a positive contribution to the low scale, coastal and historical character of the Ocean Beach Road commercial precinct.

To ensure that development enhances the unique character of Ocean Beach Road and Point Nepean Road, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs.

To promote the creation of a high quality public spaces within the Precinct including the maintenance of visual connection between existing historic buildings and the street.

To ensure the provision of safe and convenient pedestrian connections throughout the Precinct.

To ensure the proper, safe and efficient functioning of the street network in providing access to the adjacent public car parks

To ensure that new development addresses the Ocean Beach Road frontage.

To ensure that the existing limestone buildings continue to be a major feature of the streetscape by maintaining the existing building line along Ocean Beach Road.

To provide for a graduated change in building height from both the Ocean Beach Road and Morce Avenue frontages.

To ensure that building additions and infill development achieves design and architecture excellence.

To ensure that views of significant heritage buildings are protected.

## 2.0

22/07/2021  
C255morn

## Buildings and works

- An application for development within Ocean Beach Road commercial precinct (as defined in Map 1) must be accompanied by a planning report, site context analysis and design response report that demonstrate how the proposal achieves the design objectives and the requirements of this schedule and set out in the background document Ocean Beach Road Commercial Precinct Sorrento Heritage Policy – For Planning Applications for Places in the Heritage Overlay – September 2015 by HLCD Pty Ltd.
- An application for development exceeding 8m in height within Ocean Beach Road commercial precinct (as defined in Map 1) must be accompanied by a sightline diagram that demonstrates general compliance with the sightliness shown in Diagram 1.
- Detailed plans, including palette of materials and finishes.
- A perspective or photo montage detailing how the proposed development will sit within the streetscape.

A permit cannot be granted to construct a building or constructor carry out works which are not in accordance with any requirement in a schedule to this overlay

The following buildings and works requirements apply to an application to construct a building or constructor carry out works:

- A building with a frontage to Ocean Beach Road, Point Nepean Road, Melbourne Road, Constitution Hill Road, Darling Road or Kerferd Road, must not exceed the maximum height at road frontages specified in Column 2 of Table 1.
- A building must not exceed the maximum building height and the number of storeys specified in Column 3 of Table 1.

## MORNINGTON PENINSULA PLANNING SCHEME

- A building must be setback at least the distances specified in Column 4 of Table 1 where it has a frontage to Ocean Beach Road, Point Nepean Road, Melbourne Road, Constitution Hill Road, Darling Road or Kerferd Road.
- The mandatory requirements in Table 1 do not apply to:
  - Architectural features, masts, building services (including lift overrun) or enclosed stairwells that do not exceed the required height limit specified in Column 3 by more than 4 metres. The combined floor area of these features must not exceed 10% of the gross floor area of the top storey of the building.
  - Any building which is listed on the Victorian Heritage Register
  - Alterations or additions to a lawfully existing building that exceed the height limits set out in Column 3 of Table 1, provided the existing maximum building height is not increased and the developments consistent with the Design Objectives and decision guidelines of this Schedule.

Table 1

Column 1 Sub Precincts	Column 2 Maximum building height at road frontage	Column 3 Maximum building height at the minimum building setbacks specified in Column 4	Column 4 Minimum building setback
East	8 metres (comprising no more than 2 storeys)	8 metres (comprising no more than 2 storeys)	Any first (ground floor) and second storey must: <ul style="list-style-type: none"> <li>▪ match the setback of the building on the adjoining lot or the average of the setback the buildings on either side of the lot.</li> </ul>
Central	8 metres (comprising no more than 2 storeys)	11 metres (comprising no more than 3 storeys)	Any third storey must be setback: <ul style="list-style-type: none"> <li>▪ a minimum of 8 metres from the front building line of the second storey below; and</li> <li>▪ where the site is on a corner with a named road or lane, a minimum of 3 metres from the side street building line or the second storey below.</li> </ul>
North West	8 metres (comprising no more than 2 storeys)	11 metres (comprising no more than 3 storeys)	Any first (ground floor) and second storey: <ul style="list-style-type: none"> <li>▪ 5 metres from Ocean Beach Road.</li> </ul> Any third storey must be setback: <ul style="list-style-type: none"> <li>▪ a minimum of 8 metres from the front building line of the second storey below; and</li> <li>▪ where the site is on a corner with a named road or lane, a minimum of 3 metres from the side street building line or the second storey below.</li> </ul>
South West	8 metres (comprising no more than 2 storeys)	11 metres (comprising no more than 3 storeys)	Any third storey must be setback:



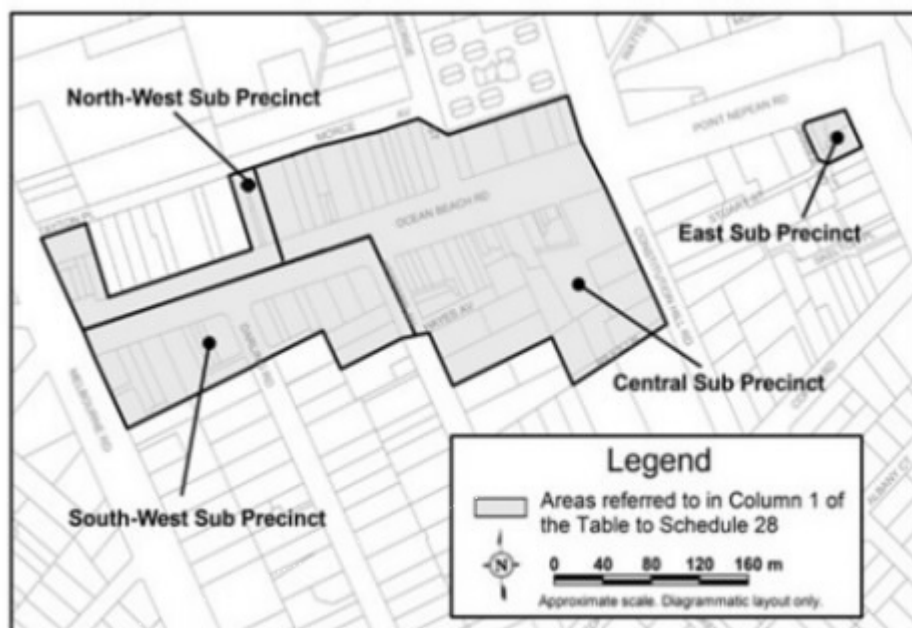
## MORNINGTON PENINSULA PLANNING SCHEME

Column 1	Column 2	Column 3	Column 4
Sub Precincts	Maximum building height at road frontage	Maximum building height at the minimum building setbacks specified in Column 4	Minimum building setback
			<ul style="list-style-type: none"> <li>a minimum of 8 metres from the front building line of the second storey below; and</li> <li>where the site is on a corner with a named road or lane, a minimum of 3 metres from the side street building line or the second storey below.</li> </ul>

## Notes regarding Table 1:

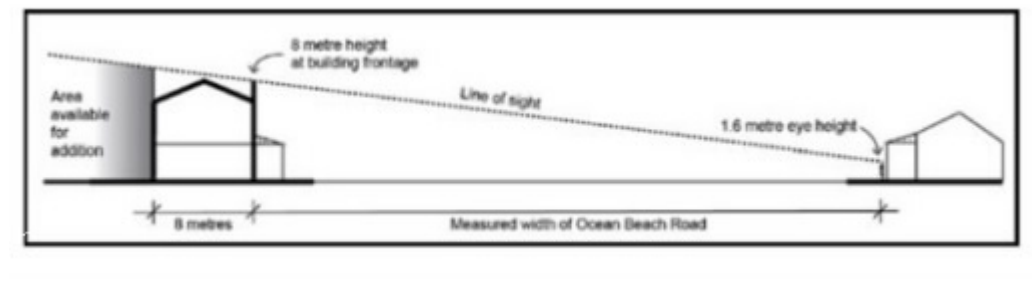
- In Table 1, reference to storeys do not include any basement.
- The Sub Precincts referred to in Column 1 Table 1 are the areas shown on Map 1 forming part of this Schedule.
- The maximum building heights referred to in Column 2 and 3 are to be measured from natural ground level to the ridge of the roof or top of the parapet.
- The setback of a third storey as defined under Column 4 is to be measured from the front wall of the second storey of the building.
- The setbacks do not apply to un-named lanes.
- The “building” (in the phrase ‘front building line’ under Column 4) has the same meaning as defined under Section 3(1) of the Planning and Environment Act 1987.

Map 1 to Schedule 28 to Clause 43.02 - Sub Precincts of Ocean Beach Road



## MORNINGTON PENINSULA PLANNING SCHEME

DIAGRAM 1- SIGHTLINES FOR DEVELOPMENT EXCEEDING 8M IN HEIGHT



3.0

22/07/2021  
C255morn

Subdivision

Nonespecified.

4.0

22/07/2021  
C255morn

Signs

Nonespecified.

5.0

22/07/2021  
C255morn

Application requirements

Nonespecified.

6.0

18/07/2024  
C305morn

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The extent to which proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network.
- Whether proposed buildings obscure view lines to the identified significant features within the Sorrento township as detailed in the Ocean Beach Road Commercial Precinct Sorrento Heritage Policy – For Planning Applications for Places in the Heritage Overlay – September 2015 by HLCD Pty Ltd.
- The extent to which the design responds to the design requirements for each Sub Precinct as set out in the Ocean Beach Road Commercial Precinct Sorrento Heritage Policy – For Planning Applications for Places in the Heritage Overlay – September 2015 by HLCD Pty Ltd

7.0

Expiry

The requirements of this overlay cease to apply after 4 July 2025.

## MORNINGTON PENINSULA PLANNING SCHEME

18/03/2022  
C224morn

## SCHEDULE 29 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO29.

## DROMANA TOWN CENTRE

## 1.0

18/03/2022  
C224morn

## Design objectives

To maintain the low scale coastal built form character of the Dromana town centre and sensitive built form transition to abutting residential land.

To maintain the fine grain presentation of development to Point Nepean Road and Pier Street.

To strengthen Pier Street as the heart of the town centre and encourage moderate change to the back of the town centre.

To protect key views from the foreshore across the town centre towards Arthurs Seat.

To encourage the provision of new pedestrian laneways and laneway connections through the town centre to improve connectivity and pedestrian amenity.

## 2.0

18/03/2022  
C224morn

## Buildings and works

The following buildings and works requirements apply to an application to construct a building or constructor carry out works.

## Maximum Building Height

Buildings and works must not exceed the maximum building height of 3 storeys (11 metres).

The mandatory maximum building height does not apply to architectural features, masts, building services (including lift overrun) or enclosed stairwells that do not exceed the required height limit by more than 4 metres. The combined floor area of these features must not exceed 10% of the gross floor area of the top storey of the building.

A permit cannot be granted to vary these requirements.

## Maximum Street Wall Height

Buildings and works must not exceed the street wall height as shown in Map 1 to this Schedule and stated below:

- A street wall height of 2 storeys (8 metres) except along Pier Street as shown in Map 1 to this Schedule.
- A street wall height of 2 storeys (8 metres) for all buildings along Pier Street between Point Nepean Road and the internal access laneway as shown in Map 1 to this Schedule.
- A street wall height of 3 storeys (11 metres) for all other buildings along Pier Street as shown in Map 1 to this Schedule.

A permit cannot be granted to vary these requirements.

## Setbacks

As shown in Map 1, all buildings and works must be setback as follows:

- 0 metre street setback except for the section of Gibson Street, as shown in Map 1 to this Schedule.
- 5 metre landscaped street setback for all buildings and works along Gibson Street, as shown in Map 1 to this Schedule.
- 5 metre setback from the street wall at the third storey except for buildings along Pier Street between the internal access laneway and Gibson Street as shown in Map 1 to this Schedule.
- Any development with a direct residential interface is to comply with Standard A10 or B17 of Clause 54.04-01 or 55.04-01 (as appropriate).

## MORNINGTON PENINSULA PLANNING SCHEME

A permit cannot be granted to vary these requirements.

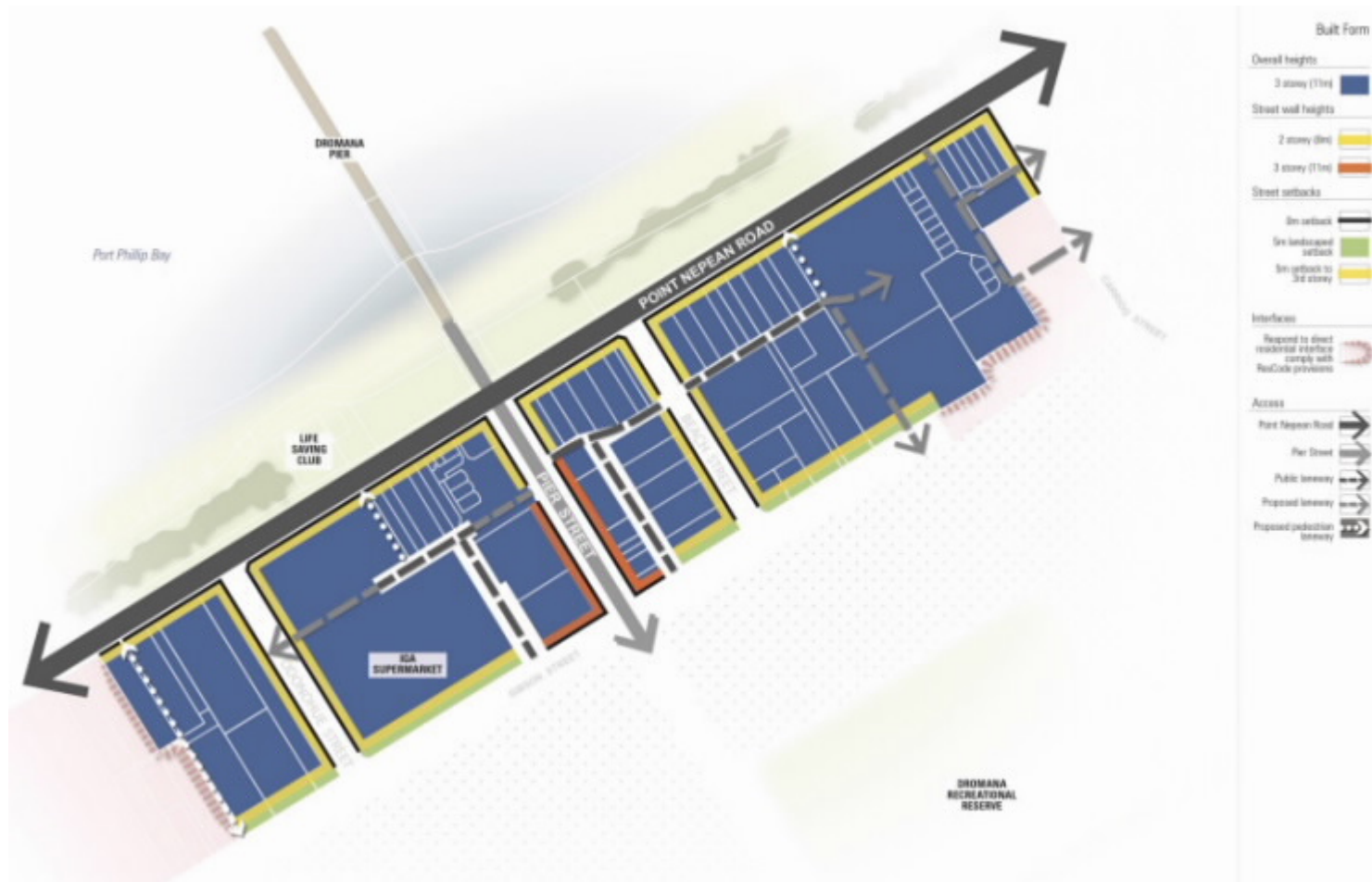
#### Building Design

New built form must:

- Maintain the fine grain development pattern of Point Nepean Road and Pier Street, as shown in Map 2.
- Provide a continuity of design and built form along Pier Street that defines it as the town's centre and strengthens the visual alignment between the Pier and the Anzac Memorial.
- Protect views to Arthur's Seat from the foreshore as shown in Map 2.
- Provide active frontages to Point Nepean Road to support a vibrant public realm along the foreshore promenade.
- At key corners shown in Map 2, provide architectural form that 'marks' the corner position and turns the corner into the side street.
- Provide active frontages to both street frontages at key corner sites as shown in Map 2.
- Provide active frontages to 'new frontages' and 'primary frontages' as shown in Map 2.
- Provide weather protection to the public realm.
- Retain or create high quality laneways and pedestrian laneways as shown in Map 1.
- Address and activate public spaces including laneways and pedestrian laneways as shown in Map 1.
- Contribute to the amenity of high quality public places.
- Demonstrate high quality design and reflect the coastal setting of the area in terms of low scale built form and materials which reference the natural coastal environs.
- Respect the height and scale of heritage buildings.
- Provide a transition in built form scale to sensitively transition towards the residential interfaces as shown in Map 2.
- Minimise overshadowing impacts on secluded private open space of surrounding residential sites.
- Discourage vehicular access from key roadways such as Point Nepean Road and Pier Street, where alternative access is available.

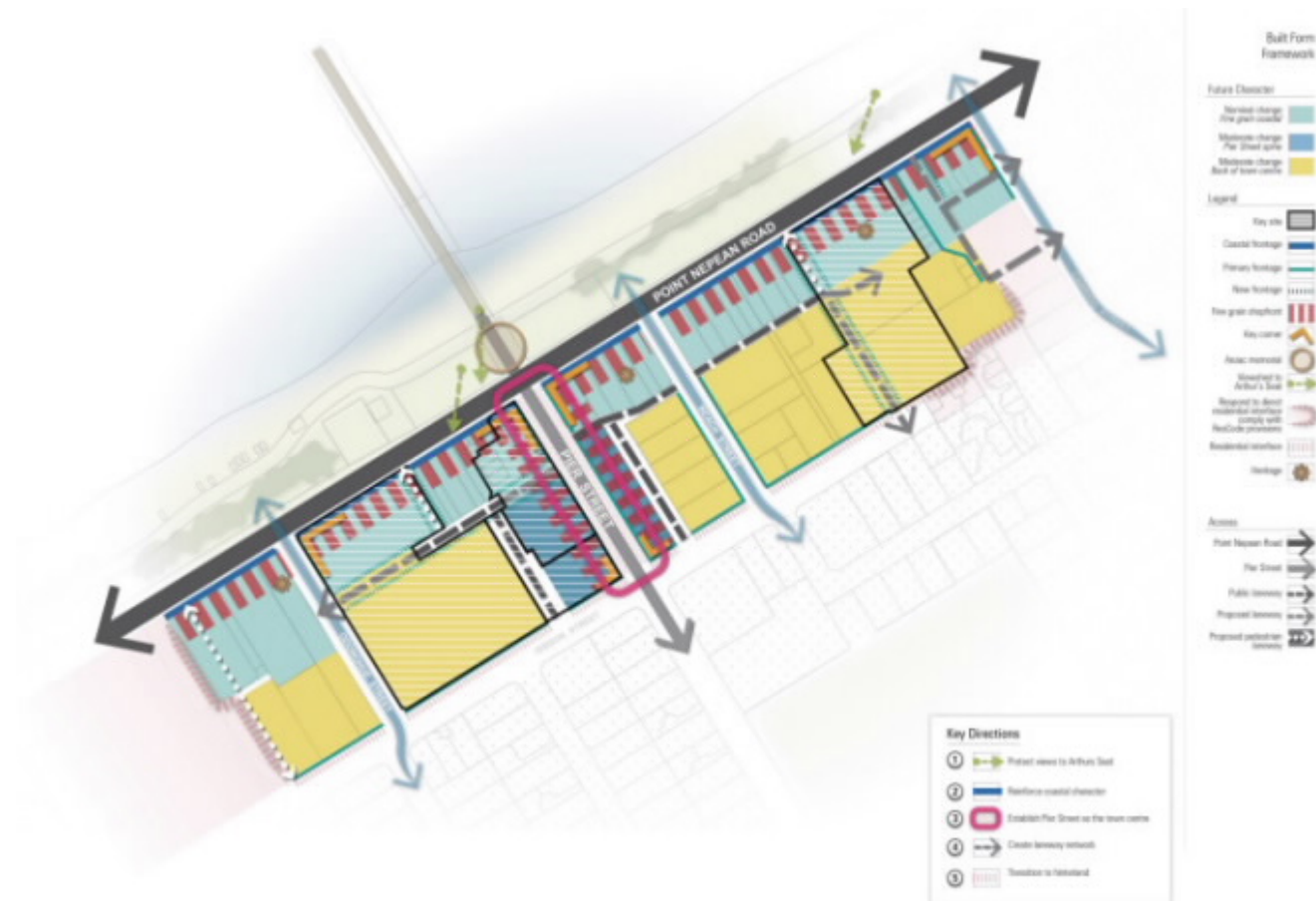
## MORNINGTON PENINSULA PLANNING SCHEME

Map 1 Building Heights and Setbacks



## MORNINGTON PENINSULA PLANNING SCHEME

Map 2 Built Form Framework



MORNINGTON PENINSULA PLANNING SCHEME

3.0	Subdivision
18/03/2022 C224morn	Nonespecified.
4.0	Signs
18/03/2022 C224morn	Nonespecified.
5.0	Application requirements
18/03/2022 C224morn	Nonespecified.
6.0	Decision guidelines
18/03/2022 C224morn	Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

30/06/2022  
C269morn

## SCHEDULE 30 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO30.

## SOMERVILLE TOWN CENTRE

## 1.0

30/06/2022  
C269morn

## Design objectives

- To improve the connection between the town centre and the railway station.
- To facilitate new retail and commercial use and development integrated with housing and other uses.
- To ensure that development makes a positive contribution to the character of the Somerville Town Centre and improves the public environment.
- To provide a more integrated and coherent town centre with improved pedestrian cycling, vehicle and public transport access and connectivity
- To ensure that commercial and mixed use development addresses and activates the drainage reserve and provides enhanced pedestrian connectivity and landscaping.

## 2.0

30/06/2022  
C269morn

## Buildings and works

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- A building should not exceed a maximum of 11 metres (3 storeys).
- Where the lot abuts the boundary of a residential zone, the third storey should be setback 3 metres from the lot boundary that abuts the residential zone.
- Development should incorporate active frontages at ground floor fronting all streets (except rear access lanes) and Public Park and Recreation Zone land.
- Buildings should be articulated to breakdown building mass through the use of materials and finishes.
- Front fence height should be a maximum of 1.5 metres with 25% transparency or 1.8 metres with 50% transparency along a street or public pathway

A permit is required to construct a fence. This does not apply to:

- a fence that does not face a street.
- a fence that faces a street provided its height does not exceed
  - 1.8 metres for a street in a Transport Zone 2.
  - 1.2 metres for all other streets.

## 3.0

30/06/2022  
C269morn

## Subdivision

Nonespecified

## 4.0

30/06/2022  
C269morn

## Signs

Nonespecified

## 5.0

30/06/2022  
C269morn

## Application requirements

Nonespecified



## MORNINGTON PENINSULA PLANNING SCHEME

## 6.0

30/06/2022  
C269morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The extent to which proposed buildings respect the preferred scale and form of development.
- The design response and interactions between the private and public realms.
- The design response to residential interfaces.
- The contribution of the proposal to the existing character of the Somerville township.
- Whether the proposal is consistent with the Somerville Township Structure Plan June 2019

## MORNINGTON PENINSULA PLANNING SCHEME

30/06/2022  
C269morn

## SCHEDULE 31 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO31.

## LOCAL SHOPS - COMMERCIAL AREA

632-640 FRANKSTON-FLINDERS ROAD, BAXTER

## 1.0

30/06/2022  
C269morn

## Design objectives

- To ensure that development makes a positive contribution to the character of the township and improves the public environment.
- To ensure an appropriate transition of built form into the residential areas of the Baxter township.

## 2.0

30/06/2022  
C269morn

## Buildings and works

The following buildings and works requirements apply to an application to construct a building or for a contractor to carry out works:

- A building should not exceed a maximum of 9 metres (2 storeys).
- Development should incorporate active frontages at ground floor fronting Frankston-Flinders Road.

## 3.0

30/06/2022  
C269morn

## Subdivision

None specified

## 4.0

30/06/2022  
C269morn

## Signs

None specified

## 5.0

30/06/2022  
C269morn

## Application requirements

None specified

## 6.0

30/06/2022  
C269morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- The extent to which proposed buildings respect the preferred scale and form of development.
- The design response and interactions between the private and public realms.
- The contribution of the proposal to the existing character of the Baxter township.
- The impact on the amenity of the existing residential area.
- Whether the proposal is consistent with the Baxter Township Structure Plan March 2019

## MORNINGTON PENINSULA PLANNING SCHEME

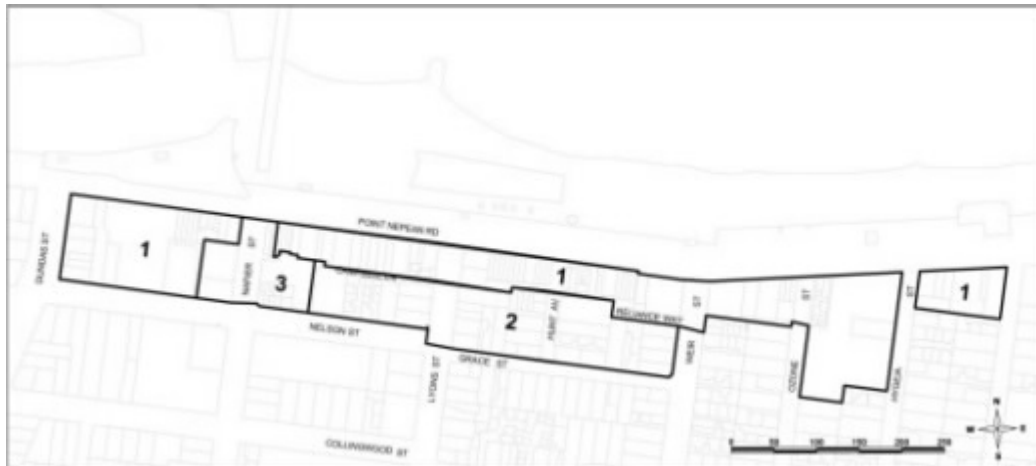
07/07/2022  
C275morn

## SCHEDULE 58 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme maps as DDO58.

## RYE TOWN CENTRE

Figure 1: Rye Town Centre precinct plan



## 1.0

07/07/2022  
C275morn

## Design objectives

To ensure scale and form of new developments compatible with the role and character of the centre.

To provide a pedestrian friendly experience through appropriate scale and built form.

To ensure new development provides an appropriate transition to low scale residential areas.

To enhance the public realm by ensuring commercial development provides activation of the street at ground level, along with balconies and window openings at upper storeys.

To encourage a palette of built form materials and design that reinforces the coastal character of the centre.

## 2.0

07/07/2022  
C275morn

## Buildings and works

The buildings and works requirements in Table 1, 2 and 3 apply to an application to construct a building or for a constructor to carry out works.

The requirements in Table 1 are mandatory. A permit cannot be granted to construct a building or for a constructor to carry out works which are not in accordance with these requirements.

Table 1: Mandatory buildings and works requirements

Requirement	Precinct 1	Precinct 2	Precinct 3
Building height	Must not exceed a height of 11.5 metres and must not contain more than 3 storeys.	Must not exceed a height of 9 metres and must not contain more than 2 storeys.	None specified.
These requirements do not apply to building services and architectural features that do not exceed the maximum building height by more than 2.4 metres.			

## MORNINGTON PENINSULA PLANNING SCHEME

Requirement	Precinct 1	Precinct 2	Precinct 3
Upper storey setback	The third storey must be set back at least 3 metres from the frontage.	None specified.	None specified.

Note: References to storeys do not include any basement.

The requirements in Table 2 are preferred. A permit can be granted to construct a building or for a constructor to carry out works which are not in accordance with these requirements if it can be demonstrated to the satisfaction of the responsible authority that compliance is unreasonable or unnecessary and the objectives of the schedule are still met.

Table 2: Preferred buildings and works requirements

Requirement	Precinct 1	Precinct 2	Precinct 3
Building height	Not applicable. Mandatory requirements in Table 1 apply.	Not applicable. Mandatory requirements in Table 1 apply.	Should not exceed a height of 11.5 metres and should not contain more than 3 storeys. These requirements do not apply to building services and architectural features that do not exceed the maximum building height by more than 2.4 metres.
Street wall height	Should not exceed 8.5 metres and 2 storeys.	Should not exceed 8.5 metres and 2 storeys.	Should not exceed 8.5 metres and 2 storeys. This does not apply to a building with frontage to Napier Street.  The street wall height of a building with frontage to Napier Street should not exceed 11.5 metres and 3 storeys.
Street setback	Should be zero metres from the frontage. This does not apply to a building with frontage to Nelson Street.  A building with frontage to Nelson Street should be set back at least 2 metres from the frontage.	Front street and side street setbacks should meet the requirements in Table 3.	Should be zero metres from the frontage. This does not apply to a building with frontage to Nelson Street.  A building with frontage to Nelson Street should be set back at least 2 metres from the frontage.
Side setback	Should be zero metres from the side boundary.	Not applicable	Should be zero metres from the side boundary.

## MORNINGTON PENINSULA PLANNING SCHEME

Requirement	Precinct 1	Precinct 2	Precinct 3
Rear setback	<p>Should be zero metres from the rear boundary. This does not apply to a building that has a rear interface with a residential zone.</p> <hr/> <p>A building that has a rear interface with a residential zone should be set back at least 2 metres at the third storey from the rear boundary.</p>	Not applicable	<p>Should be zero metres from the rear boundary. This does not apply to a building that has a rear interface with a residential zone.</p> <hr/> <p>A building that has a rear interface with a residential zone should be set back at least 2 metres at the third storey from the rear boundary.</p>
Upper storey setback	<p>Mandatory requirements in Table 1 apply.</p> <p>The third storey of a building on a corner site should be set back at least 3 metres from the side street boundary.</p>	Not applicable	<p>Any development above the second storey should be set back at least 3 metres from a street. This does not apply to a building with an interface to Napier Street.</p> <hr/> <p>Any development above the second storey of a building with an interface to Napier Street should be set back zero metres from Napier Street.</p>
Overshadowing	<p>Buildings and works on a site that abuts land in a residential zone should not significantly overshadow existing secluded private open space.</p> <hr/> <p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <hr/> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p> <hr/> <p>A building should not overshadow more than 20 per cent of the Napier Street Plaza as shown in Figure 2 between 11 am and 2 pm on the 21st of June.</p>		

## MORNINGTON PENINSULA PLANNING SCHEME

Requirement	Precinct 1	Precinct 2	Precinct 3
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Figure 2: Napier Street Plaza (pedestrian zone)

Overlooking	<p>Buildings and works on a site that abuts land in a residential zone should limit views into existing secluded private open space and habitable room windows.</p> <hr/> <p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <hr/> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> <li>▪ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</li> <li>▪ Have sill heights of at least 1.7 metres above floor level.</li> <li>▪ Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li> </ul> <hr/> <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <hr/> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> <li>▪ Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li> <li>▪ Permanent, fixed and durable.</li> <li>▪ Designed and coloured to blend in with the development.</li> </ul> <hr/> <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>
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## MORNINGTON PENINSULA PLANNING SCHEME

Requirement	Precinct 1	Precinct 2	Precinct 3
Design detail	<p>Buildings and works should:</p> <ul style="list-style-type: none"> <li>▪ Be context responsive and exhibit architectural excellence in design and appearance.</li> <li>▪ Present a fine grained, human scale to streets and laneways through the use of ground floor glazing and maintaining a consistent façade width along the streetscape.</li> <li>▪ Any upper storey balcony balustrade to the public realm should be glazed and visually permeable.</li> <li>▪ Use suitably robust and durable materials, that achieve longevity in exposed coastal conditions, such as brickwork, steel, glazing, stonework or treated timber. These materials should use muted 'earthy' tones which complement the natural landscape of the Rye foreshore.</li> <li>▪ Use simple, elegant, cohesive architectural compositions that respond to the prevailing fine grained character of the Rye commercial area.</li> <li>▪ Avoid the use of materials that may deteriorate in coastal conditions, such as foam walling, cladding, sheet metal and untreated timber.</li> <li>▪ Provide for balconies within the property boundary.</li> <li>▪ Provide for universal design with regards to inclusion and access.</li> </ul>		
Public realm interface and laneways	<p>Buildings and works should:</p> <ul style="list-style-type: none"> <li>▪ Provide a canopy for weather protection over adjacent public pedestrian areas. Canopies should generally be no higher than 3.6 metres above the footpath and extend out from a building to a point no less than 750mm from the kerb line.</li> <li>▪ If abutting a rear laneway, provide pedestrian activation at ground level and include the opportunity for pedestrian connection through to Point Nepean Road.</li> <li>▪ Locate building services to side streets or rear laneways, where available, or be designed to integrate with a primary façade where no alternative is available</li> <li>▪ In Precinct 1, at least 80 per cent of the building façade at ground floor level should be an entry or window with clear glazing.</li> <li>▪ Maximise clear glazing to the public realm at upper storeys, with balconies and windows orientated towards the public realm.</li> <li>▪ Contribute toward enhancing the Point Nepean Road public realm through mechanisms such as activated frontages and pavement upgrades.</li> </ul>		
Vehicle and pedestrian access	<p>Buildings and works should:</p> <ul style="list-style-type: none"> <li>▪ Locate and design vehicle access to avoid or minimise disruption to pedestrian movement along a street.</li> <li>▪ Locate vehicle and residential access from an existing laneway or a secondary street frontage, or should not occupy more than a maximum width of 2 metres for a primary street frontage, where no alternative is available.</li> </ul>		

Note: References to storeys do not include any basement.

## MORNINGTON PENINSULA PLANNING SCHEME

The requirements in Table 3 are preferred. A permit can be granted to construct a building or constructor carry out works which are not in accordance with these requirements if it can be demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable, unnecessary, and the setbacks of buildings from a street meet the objectives of this schedule and make efficient use of the site.

Table 3: Preferred front street and side street setbacks in Precinct 2

Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Transport Zone 2, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2, and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

## 3.0

07/07/2022  
C275morn

## Subdivision

Nonespecified.

## 4.0

07/07/2022  
C275morn

## Signs

Nonespecified.



## MORNINGTON PENINSULA PLANNING SCHEME

## 5.0

07/07/2022  
C275morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- A design response which demonstrates how the proposed development meets the requirements of this schedule.
- For buildings and works in Precinct 3 that exceed the preferred maximum building height, a detailed visual analysis that demonstrates how the development will achieve the design objectives of this schedule and how the proposal will:
  - Preserve views to the vegetated backdrop of Rye from the Rye pier and foreshore as shown in Figure 3.
  - Mitigate amenity impacts to surrounding properties.
  - Comply with the overshadowing requirements relating to Napier Street Plaza within this Schedule.
  - Improve the public realm interface to Napier Street Plaza.
  - Achieve high quality distinctly civic and commercial architecture.

Figure 3: Viewlines



## 6.0

07/07/2022  
C275morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

## MORNINGTON PENINSULA PLANNING SCHEME

- The extent to which proposed buildings respect the preferred scale and form of development.
- Whether the proposal provides a pedestrian friendly experience through appropriate scale and built form.
- Whether the upper level setbacks respond to the prevailing streetscape pattern.
- Whether the materials and finishes utilise the preferred palette for built form.
- The extent to which the development incorporates landscaping into the design.
- The degree of activation of the public realm for new commercial development at the ground floor and upper levels.
- The contribution of the proposal to the existing character of the centre.
- The design response to residential interfaces.
- The design response and interactions between the public and private realm.

## MORNINGTON PENINSULA PLANNING SCHEME

## 43.04

31/07/2018  
VC148

## DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

## 43.04-1

31/07/2018  
VC148

## Objectives

A schedule to this overlay may specify objectives to be achieved for the area affected by the overlay

## 43.04-2

31/07/2018  
VC148

## Requirement before a permit is granted

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay

## 43.04-3

31/07/2018  
VC148

## Exemption from notice and review

If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 43.04-4

31/07/2018  
VC148

## Preparation of the development plan

The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.

A development plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.

The development plan must describe:

- The land to which the plan applies.
- The proposed use and development of each part of the land.
- Any other requirements specified for the plan in a schedule to this overlay

The development plan may be amended to the satisfaction of the responsible authority

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 2 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO2.

## MORNINGTON PARKLAND INDUSTRIAL AREA

This schedule applies to the Parkland Industrial area located on the Nepean Highway, between Oakbank Road and Bungower Road, Mornington. A development plan is required to ensure an appropriate standard of development for this prominent area, including a consistent building setback from the Nepean Highway frontage.

## 1.0

22/07/2021  
C255morn

## Objectives

None specified.

## 2.0

22/07/2021  
C255morn

## Requirement before a permit is granted

A permit may be granted for a change of use within an existing building, the construction of a caretaker's dwelling or the display of signs before a development plan has been prepared.

## 3.0

22/07/2021  
C255morn

## Conditions and requirements for permits

None specified.

## 4.0

22/07/2021  
C255morn

## Requirements for development plan

A development plan must include the following requirements:

- The development plan must describe:
  - A minimum building setback of 90 metres from the Nepean Highway frontage and 58 metres from any Bungower Road frontage.
  - A minimum setback from side and rear boundaries of 15 metres.
  - A maximum plot ratio of 0.35.
  - A minimum of 50 per cent of any site set aside for landscaping.
- The responsible authority may vary these requirements.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 4 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO4.

## BALNARRING TOWN CENTRE DEVELOPMENT PLAN

The Balnarring Village centre provides a focus for shopping and tourism activities in the district. The requirement for a development plan is to provide for the future integrated development of land on the east and west sides of Russell Street and to maintain the current high standard of design. Land on the east side of Russell Street is intended to remain the main retail core area, including the site of any supermarket. Land on the west side of Russell Street is intended to perform a complementary function, providing a combination of service and retail activities including restaurants, offices and consulting rooms. The maximum retail area of any single premises on the west side of Russell Street is not anticipated to exceed 240 square metres.

## 1.0

22/07/2021  
C255morn

## Objectives

None specified.

## 2.0

22/07/2021  
C255morn

## Requirement before a permit is granted

A permit may be granted for a change of use within an existing building or the display of signs before a development plan has been prepared to the satisfaction of the responsible authority.

A permit may be granted for the use and development of land on the east side of Russell Street, Balnarring before a development plan has been approved.

## 3.0

22/07/2021  
C255morn

## Conditions and requirements for permits

None specified.

## 4.0

22/07/2021  
C255morn

## Requirements for development plan

A development plan must include the following requirements:

- The development plan must describe:
  - The location of all existing and proposed buildings, their floor area and proposed use.
  - Plans indicating building design, scale and elevations including street elevations which are consistent with and enhance the special character of the existing Balnarring Village shopping centre. This may include the use of external brick cladding, the incorporation of verandahs, the provision of paved pedestrian paths, and a consistent standard of signage.
  - A maximum height of any part of building, excluding plumbing and other fittings, no greater than 8 metres above natural ground level.
  - All buildings set back at least 20 metres from the west side of Russell Street, unless otherwise approved by the responsible authority.
  - Landscaped open space provided within 5 metres of Russell Street, unless otherwise approved by the responsible authority.
  - Proposals for the staging of development.
  - The location of car parking, storage and loading areas.
  - The number and layout of car parking spaces and access lanes.
  - The separation of pedestrian and vehicular traffic movements.
  - Access to surrounding roads.
  - Streetscape and landscaping treatments.

## MORNINGTON PENINSULA PLANNING SCHEME

- The location and size of signs.
- The provision of all necessary infrastructure.
- An assessment of commercial impact and the net community benefits and costs of development may be required in relation to any retail development proposed on the west side of Russell Street.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 7 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO7.

## NORTH BITTERN DEVELOPMENT PLAN

An area north of the Bittern township and adjoining the existing Kinfauns Estate has been identified for future low density residential development into lots with an area of approximately one hectare. It is important that development in this area be properly coordinated to maintain the appearance of an inter urban break between the Hastings and Bittern townships. Development of this area should also complement the public open space areas provided through the Kinfauns Estate and ensure the efficient and equitable provision of services including, where necessary, the upgrading of Hendersons Road.

## 1.0

22/07/2021  
C255morn

## Objectives

To facilitate rural residential development in an environmentally sensitive manner

To identify, conserve and link remnant indigenous vegetation areas.

To assist in the protection and enhancement of the Warringine Heritage Park by requiring appropriate public open space contributions.

To ensure that appropriate drainage and sewerage services are provided to avoid detriment to the water quality of creeks, wetlands or of Western Port.

To ensure that lots fronting the Frankston-Flinder Road are of a size and configuration to provide a non-urban buffer between Bittern and Hastings.

To provide for equitable contributions to the provision of infrastructure including the upgrading of Hendersons Road.

## 2.0

22/07/2021  
C255morn

## Requirement before a permit is granted

A permit may be granted to construct a single dwelling and associated outbuildings on any lot existing at the approval date, provided it is the only dwelling on the lot, before a development plan has been prepared.

A permit may be granted to use and develop land for purposes other than subdivision in accordance with the provisions of the Low Density Residential Zone, before a development plan has been prepared.

## 3.0

22/07/2021  
C255morn

## Conditions and requirements for permits

None specified.

## 4.0

22/07/2021  
C255morn

## Requirements for development plan

A development plan must include the following requirements:

- The development plan must describe:
  - The average lot size of any proposed subdivision is at least one hectare. The responsible authority may vary this requirement having regard to the provision of public open space with the proposed subdivision.
  - A scheme of drainage for the area to the satisfaction of Melbourne Water
  - Treatment of water run-off in a manner designed to ensure that the water quality of nearby creeks, wetlands and Western Port does not deteriorate as a result of the development of the estate and must ensure volume does not exceed rural discharge levels. This may necessitate land close to the run-off source within the estate to be utilised for the retarding, settlement and filtration of the run-off water

## MORNINGTON PENINSULA PLANNING SCHEME

- Provision for all necessary infrastructure and the equitable distribution of infrastructure costs.
- Provision for a Site Design Plan for each stage of development showing for each lot.
- The Site Design Plans must show for each lot:
  - Proposed building setbacks.
  - Maximum building height.
  - Maximum site coverage.
- A detailed Landscape Plan for progressive stages of development showing:
  - The location and kind of indigenous species to be planted.
  - The areas for the proposed planting of indigenous native vegetation in linkage corridors between park reserves.
  - A management prescription for the maintenance of the landscaping. The areas of indigenous native vegetation in park reserves to be protected.
- The Landscape Plan must be prepared having considered the views of the Warringine Heritage Park Advisory Committee.



## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 9 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme maps as DPO9.

## BAXTER GATEWAY

The Baxter Gateway site consists of a triangular area bounded on two sides by the Baxter Tooradin Road and Frankston Flinders Road, with the third defined by the Mornington Peninsula Freeway reservation. The purpose of the development plan is to recognise the constraints and opportunities associated with this location. It is intended to facilitate the development of a service based precinct, with services directed primarily to Peninsula visitors and the broader district catchment rather than serving Baxter residents only or establishing a further retail node. Given the location of the site, with a high degree of exposure to main roads, it is essential to ensure the integrated design and coordinated development.

## 1.0

22/07/2021  
C255morn

## Objectives

None specified.

## 2.0

22/07/2021  
C255morn

## Requirement before a permit is granted

A permit may be granted for a change of use within an existing building or the display of signs before a development plan has been prepared.

## 3.0

22/07/2021  
C255morn

## Conditions and requirements for permits

None specified.

## 4.0

22/07/2021  
C255morn

## Requirements for development plan

A development plan must include the following requirements:

The development plan must describe:

- A site and use plan, indicating the type, location and operational characteristics of all proposed land uses on the site and demonstrating compatibility between proposed land uses and adjacent roadways and nearby residential areas. Details should include:
  - Hour of operation.
  - Anticipated traffic and parking generation.
  - Anticipated noise levels.
  - Security lighting requirements.
- Arrangements for the provision of services including drainage and sewerage.
- The location, layout, elevations and external materials of all buildings and works.
  - The plot ratio of all development must not exceed 0.5.
  - Site coverage must not exceed 50 per cent.
  - Proposed development must not exceed a maximum building height of 10 metres.
- The area and dimensions of all proposed lots.
- The location and width of all vehicle crossings and pedestrian ways.
- The layout and construction details of all roads, carparking areas and paths, ensuring separation of pedestrian and vehicular movement.
- The provision and location of loading areas.

## MORNINGTON PENINSULA PLANNING SCHEME

- The location, size and design of all signs.
- Detailed landscaping plans for the land, including the location and species of all plantations and the location and type of all fencing.
  - At least 25 per cent of the site area must be set aside for landscaping.
  - Landscaped areas must include all land within 10 metres of the Baxter Tooradin Road and Frankston Flinders Road frontages other than to provide for vehicular or pedestrian access.
  - The landscaping plan must include provision for the screening of all storage areas and a management plan for controlling and maintaining landscaped areas.
- Proposals for staged development of the site.

The responsible authority may vary these requirements if it is satisfied that compliance would be unreasonable or impractical and that any proposed variation will not prejudice the amenity of the area.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 12 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO12

3405 POINT NEPEAN ROAD, SORRENTO

This schedule applies to the land located at 3405 Point Nepean Road, Sorrento. A development plan is considered appropriate to provide for the co-ordinated development of the land, consistent with the character of the area and heritage values of the site.

## 1.0

22/07/2021  
C255morn

## Objectives

None specified.

## 2.0

22/07/2021  
C255morn

## Requirement before a permit is granted

A permit may be granted before a development plan has been approved for any of the following:

- Buildings and works in accordance with a planning permit application lodged with the responsible authority prior to August 2003.
- The construction of a single dwelling and associated outbuildings on the land provided all new development on the site has a maximum building height of no more than 8 metres and contains no more than 2 storeys above natural ground level, excluding plumbing and other fittings. This does not apply to alterations or extensions to an existing building on the site if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the building is not significantly increased.

## 3.0

22/07/2021  
C255morn

## Conditions and requirements for permits

None specified.

## 4.0

22/07/2021  
C255morn

## Requirements for development plan

A development plan must include the following requirements:

## Dwelling density, design and private open space

- Provision for no more than 19 dwellings, generally in accordance with Drawing No. DA-01 Sorrento House Development Jan, 2005.
- Each dwelling to be provided with private open space in compliance with the standards (or alternatively to satisfy the relevant objectives) of Clause 55 of the Planning Scheme.
- Window treatment to all dwellings to provide an outlook and allow for natural ventilation.
- A private courtyard to be provided on the west side (rear) of each of the dwellings in 'Sol Green House'.
- Separation of the private open space of the three dwellings in 'Sol Green House' not to include screens perpendicular to the front face of the building.

## Maximum building height

- All new development on the site to have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level, excluding plumbing and other fittings. This does not apply to alterations or extensions to an existing building on the site if all of the following requirements are met:

## MORNINGTON PENINSULA PLANNING SCHEME

- The existing building has a building height of more than 8 metres.
- The maximum building height of the existing building is not exceeded.
- The external bulk of the building is not significantly increased.
- The footprint of the upper storey existing at the approval date, is not increased by more than 10 per cent.

## Front setback

- All dwellings to be setback a minimum of twenty two (22) metres from the Point Nepean Road frontage, as measured from the eastern boundary so as to preserve the neighbourhood context and maximise views into the site and of the Vicarage on the adjoining property. No substantial buildings or structures should be sited within this front setback.

## Building setbacks

- Any new buildings to be setback a minimum of seven (7) metres from the Boroondara Road frontage, and designed to address Boroondara Road, so as to protect the heritage value of the Cottage.
- Separation between the west wall of the Cottage and any new development of at least 2.24 metres and this area to be landscaped.
- A minimum setback of 11 metres from the southwest corner of the site, with new development generally located above the embankment in this corner of the site.

## Floor plans and elevations

- The location of all existing buildings, their floor plans and elevations including details of any proposed external demolition.
- Plans of the proposed buildings, including building design, scale, floor plans, elevations, materials and finishes.
- The layout and number of car parking spaces and access ways.
- Landscaping treatments to individual dwellings as well as common areas which include the retention of all Canary Island Palms and the English Elm tree line along Point Nepean Road.
- The provision of all necessary infrastructure.

## Heritage conservation

- A Conservation Management Plan to be prepared under the guidance of an experienced heritage practitioner to ensure appropriate conservation and enhancement of the existing heritage buildings.
- The leadlight window at the southeast corner of 'Sol Green House' to be retained and any required new entry door to be relocated possibly to the south face of the building, to the satisfaction of the responsible authority.
- New development to be designed so that the original fabric is distinguishable from the new elements in the heritage buildings.
- All new development to be designed to reflect the heritage character of the precinct, generally in accordance with Drawing Nos. DA-02 and DA-02.1, Sorrento House Development, Jan. 2005.
- Any new entry treatment to be respectful of the heritage value of the site.
- The design of the new dwellings to reflect the historical context, in respect to forms, repetition of elements, design detail, scale and materials selection.

## MORNINGTON PENINSULA PLANNING SCHEME

## Fencing

- Perimeter fencing to be between 1.5 metres and 1.9 metres in height along Point Nepean Road and Boroondara Road, up to the car park area for the Cottage.
- Fencing along Boroondara Road, in front of the Cottage and extending to the west (side) boundary of the site, to be a maximum of one metre high. Details of the fence design is to be to the satisfaction of the responsible authority
- Acoustic treatment of the southern fence to be provided to protect neighbouring properties to the satisfaction of the responsible authority

## Provision and location of parking areas, driveways and vehicular access points

- Car spaces fronting Point Nepean Road to be located and treated so as not to interrupt views or detract from the heritage building or affect the health of the Elms. If this parking is in proximity of the Elms, a report is to be prepared by a suitably qualified and experienced arboriculturist and lodged with the responsible authority for approval.
- The car spaces provided for the Cottage to have a pervious surface treatment, such as gravel, and to not be enclosed or covered.
- Visitor car spaces to be provided on the site, with appropriate directions signage in accordance with the provisions of Clause 55 of the Planning Scheme.
- The width of a driveway, if adjacent to the southern boundary to be revised to maximise opportunity for planting along the southern boundary of the site.
- Entry and exit points off Point Nepean Road to be located so as to protect the mature Elms, based on a report of a qualified and experienced arboriculture consultant and to the satisfaction of the responsible authority
- Vehicle access points to comply with Vic Roads conditions.

## Sewerage

- All new dwellings on the site to be connected to reticulated sewerage or an alternative system approved by the responsible authority

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 15 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme maps as DPO15

1889 TO 1897 POINT NEPEAR ROAD, TOOTGAROOK

The land at 1889 to 1897 Point Nepear Road, Tootgarook being Lots 60, 61 and 62 on LP9388 has been identified as land suitable for strategic infill development which is responsive to the bayside and village coastal character of Point Nepear Road, Tootgarook.

## 1.0

22/07/2021  
C255morn

## Objectives

None specified.

## 2.0

22/07/2021  
C255morn

## Requirement before a permit is granted

A permit may be granted to use any existing building on the land before a development plan has been prepared to the satisfaction of the responsible authority.

## 3.0

22/07/2021  
C255morn

## Conditions and requirements for permits

None specified.

## 4.0

22/07/2021  
C255morn

## Requirements for development plan

A development plan must include the following requirements:

The development plan must show:

- Land at 1895 to 1897 Point Nepear Road being used for residential use and development that, in total, comprises of no more than six dwellings with six associated lots.
- The exclusive commercial use of the ground floor of 1889 Point Nepear Road other than the provision for access to any dwellings on the first floor.
- The setback of buildings at 1895 to 1897 Point Nepear Road gradually staggered from the commercial development at 1889 Point Nepear Road to provide for a transition of the development. The frontage setback of the westernmost unit on 1897 Point Nepear Road must be no less than 9 metres from the frontage. Porches, pergolas and verandahs less than 3.6 metres high may encroach not more than 2.5 metres into the frontage setback.
- The height of buildings must not exceed:
  - 6 metres within 7.5 metres of the western boundary; and
  - 8 metres in other parts of the site.
- Weather protection along retail frontages adjoining Point Nepear Road and Carmichael Street.
- Roof decks or terraces may only be incorporated over any single storey component of the development and should provide satisfactory privacy screening and setbacks.
- Development designed to reinforce the established rhythm of development in Point Nepear Road, avoid a continuous and repetitive built form, minimise building bulk, and avoid external views of blank walls. This should be achieved through the use of setbacks, façade articulations, landscaping and the incorporation of a variety of building materials, roof forms and fence treatments.
- All vehicular access/egress to be gained from Carmichael Street including a right of access to 1899 Point Nepear Road.
- The number and layout of car parking spaces and loading areas.
- A landscape plan which shows:

## MORNINGTON PENINSULA PLANNING SCHEME

- Vegetation that is predominately indigenous to integrate the development with the surrounding environment.
- Screen planting with advance plants along the southern boundary
- Planting within the building setback from the western boundary of advance plants that will grow to at least the height of the building.
- Groupings of plants with a height at least greater than fence height within the setback from the Point Nepean Road frontage.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 17 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme maps as DPO17.

## NO 23 – 25 ROSEBUD PARADE, ROSEBUD

No. 23 – 25 Rosebud Parade Rosebuds located within the Rosebud Activity Centre and adjoins medium density housing to the north and east. The purpose of the development plan is to recognise the constraints and opportunities associated with this location in terms of the provision of retirement living. It is intended to facilitate the use and development of 23 – 25 Rosebud Parade Rosebud for the purpose of a Retirement Village to service the 'aging in place' needs of Rosebud residents and the broader Peninsula district. Given the location of 23 – 25 Rosebud Parade Rosebud within an established residential area with adjoining existing dwellings, it is essential to ensure an integrated design and the minimisation of off-site amenity impacts.

## 1.0

22/07/2021  
C255morn

## Objectives

None specified.

## 2.0

22/07/2021  
C255morn

## Requirement before a permit is granted

A permit may be granted before a development plan has been prepared for any use or development allowable under the Residential Zone or any other relevant provision of this scheme.

## 3.0

22/07/2021  
C255morn

## Conditions and requirements for permits

None specified.

## 4.0

22/07/2021  
C255morn

## Requirements for development plan

A development plan must include the following requirements:

The development plan must provide for the use and development of 23 – 25 Rosebud Parade, Rosebud for the purpose of a retirement village that:

- is generally in accordance with the objectives;
- includes the plans; and
- meets the performance standards

all as set down below

## Use and design objectives

- To recognise the site as an appropriate location for a Retirement Village.
- To promote well designed aged accommodation that meets the needs of future occupants.
- To ensure that the height and bulk of new developments responds to the existing built scale and neighbourhood character of the area.
- To encourage built form that does not cause unreasonable amenity impacts on adjacent residential areas and in particular minimises the impact of overlooking, overshadowing, noise and visual bulk.
- To ensure that adequate provision is made for on-site parking for residents' staff and visitors.
- To ensure that the development provides appropriate facilities and amenities for residents.

## Operational and services plan

An operational and services plan, including details in regard to the level of care to be provided to residents and the range of services and facilities to be provided.



## MORNINGTON PENINSULA PLANNING SCHEME

## Neighbourhood context and site description plan

A neighbourhood context and site description plan including all of the following:

- The built form, scale and character of surrounding development including front fencing.
- Level of the site and the difference in levels between the site and surrounding properties.
- The location of all existing buildings on site.
- The location of adjoining secluded private open space and habitable room windows which have an outlook to the site within 9 metres of the site.
- Location of any significant trees on the site.
- Street frontage features such as poles, street trees and kerb services.
- Any other notable features or characteristics of the site.

## Design response plan

A design response plan which explains how the proposed design derives from and responds to the neighbourhood and site description and meets the objectives of clause 55 of this planning scheme, including plans drawn to scale showing all of the following:

- Site layout and floor plans.
- Building setbacks.
- Building heights.
- Elevations.
- Proposed landscaping of the site.
- The location and width of all vehicle and pedestrian paths.
- Car parking and loading areas.
- Storage areas.
- Waste collection areas.

## Car Parking and traffic management plan

A car parking and traffic management plan in accordance with the performance standards specified in this schedule.

## Landscaping plan

A landscaping plan including the identification of all species, landscaping treatments and the location of fencing.

## Waste management plan

A waste management plan indicating arrangements for the storage, collection and disposal of all wastes.

## Stormwater management plan

A stormwater management plan having regard to water sensitive urban design principles.

## Performance standards

The development plan must provide for a development which will meet the following performance standards:

## Building envelope

- A building envelope substantially in accordance with the plans shown at Figure 1 of this schedule.

## MORNINGTON PENINSULA PLANNING SCHEME

## Building height

- A maximum building height of 13.5 metres.
- No more than 3 storeys above the natural ground level.

## Side, rear and upper storey setbacks

- The side and rear setbacks standard B17 in clause 55.04-1 of this planning scheme provided that no setback is less than a minimum setback shown in the following table:

Boundary	Minimum setback
Northern side boundary adjoining 72 Jetty Road	6 m
Eastern side boundary	6 m
Southern side boundary	4 m

## Interface with neighbours

- Each side of the building designed to respond to the direction it faces and providing for a sensitive interface with adjoining occupancies including the articulation of elements and variations of wall planes to provide a degree of visual interest.

## Overlooking

- The eastern façade to be architecturally sensitive to the direct view from the private open space along the eastern boundary including a setback on the upper storey
- The overlooking standard B22 in clause 55.04-6 of this planning scheme.

## Light and ventilation

- Measure to optimise access to natural light and where possible natural ventilation.

## Overshadowing open space

- The overshadowing open space standard B21 in clause 55.04-5 of this planning scheme.

## North facing windows

- The north-facing window standard B20 in clause 55.04-4 of this planning scheme.

## Noise impacts

- Avoidance or mitigation of off-site impacts particularly from loading activities.
- The noise impacts standard B24 in clause 55.04-8 of this planning scheme.

## Public realm

- Communal facilities located at the front of the building and landscaping to address the public realm of Rosebud Parade.
- A footpath on Rosebud Parade extending from the land to Mc Dowell Street.

## Car parking

- The provision of a separate loading area.
- The following car parking requirements:
  - 0.85 car spaces per each unit for residents;
  - 1 car space per every 8 units for visitors;
  - 1 car parking space per full-time employee on site at any one time;

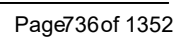
## MORNINGTON PENINSULA PLANNING SCHEME

- A minimum of 3 spaces for staff/visitors;
- 13 spaces for bicycle parking; and
- 6 spaces for mobility scooters.
- The responsible authority may waive or reduce the number of required car spaces having regard to the decision guidelines in clause 52.06-1 of this planning scheme.

## Landscaping

- The provision for planting a minimum of eight canopy trees, providing raised garden beds for resident use, and outdoor footpaths.
- The use of local indigenous species where appropriate.
- The provision of outdoor recreation areas including a sheltered area.

Figure 1 - Building Envelope Plan



## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 18 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme maps as DPO18

## 1A AND 1B JETTY ROAD, ROSEBUD

The land at 1A and 1B Jetty Road, Rosebud is located within the Rosebud Activity Centre and adjoins medium density housing to the east. The purpose of the development plan is to recognise the constraints and opportunities associated with the location in terms of the provision of a 3 storey mixed use development. It is intended to facilitate the development of 1A and 1B Jetty Road, Rosebud for the purpose of a 3 storey building comprising basement parking, restaurant(s)/café(s) at ground level and medium density residential development at all levels. Given the location of 1A and 1B Jetty Road, it is essential that the design be of an exemplary standard that includes sensitive response to its context and that minimises off-site amenity impacts. The building design is to include articulation of the development into a series of semi-distinct forms, through variations to setbacks, wall planes, building heights, materials, finishes and colours.

## 1.0

22/07/2021  
C255morn

## Objectives

None specified.

## 2.0

22/07/2021  
C255morn

## Requirement before a permit is granted

A permit may be granted before a development plan has been prepared for any use or development allowable under the applicable zone or any other relevant provision of this scheme.

## 3.0

22/07/2021  
C255morn

## Conditions and requirements for permits

A permit granted in accordance with the development plan must include the following requirement:

- The provision of any mitigation works at the Point Nepean Road and Jetty Road intersection recommended in the Transport Impact Assessment Report.

A permit granted in accordance with the development plan must include the following condition:

- Except with the further consent of the responsible authority:
  - (a) The restaurant(s) must operate only between the following hours:
    - (i) Monday to Sunday: 7:00 a.m. to 11:00 p.m. (indoors).
    - (ii) Sunday to Thursday: 7:00 a.m. to 9:00 p.m. (outdoors).
    - (iii) Friday to Saturday: 7:00 a.m. to 10:00 p.m. (outdoors).
  - (b) The café(s) must operate only between the following hours:
    - (i) Monday to Sunday: 7:00 a.m. to 11:00 p.m. (indoors).
    - (ii) Monday to Sunday: 7:00 a.m. to 9:00 p.m. (outdoors).
  - (c) Any bi-fold doors, doors and/or windows associated with the restaurant(s) and/or café(s) must be closed at the same time any outdoor areas are not permitted to be used.

## 4.0

22/07/2021  
C255morn

## Requirements for development plan

A development plan must include the following requirements:

The development plan must provide for:

## MORNINGTON PENINSULA PLANNING SCHEME

## Land use

- Restaurant(s) and/or café(s) at ground level, with combined seating for not more than 200 patrons.
- Medium density residential development at all levels.

## Development

- All the following design requirements:

## Building height and setbacks

- A building must have a maximum wall height of no more than 11 metres and a maximum building height of no more than 13.5 metres and must contain no more than 3 storeys above natural ground level.
- The building setback to the eastern boundary must comply with Standard B17 in Clause 55.04-1.
- The building setback to the northern boundary (adjoining the foreshore) and the southern boundary (adjoining Point Nepean Road) must not be less than 7 metres and the average building setback of each storey to these boundaries must not be less than 10 metres. The setback to these boundaries of the basement wall must not be less than 5 metres.
- The average building setback to the western boundary (adjoining Jetty Road) must not be less than 2 metres.
- The above setbacks do not apply to eaves, balustrades, privacy screening devices and planter boxes; however, such building elements except eaves must not encroach into the road reserve of Jetty Road.

## Provisions to protect the amenity of adjoining land

- Overshadowing Standard B21 in Clause 55.04-5.
- Overlooking Standard B22 in Clause 55.04-6.
- Provision of tree protection zones to the relevant Australian Standard to ensure protection of existing trees located in the coastal reserve to the land's northern boundary

## Transport Impact Assessment Report and mitigation works

- The vehicular access off Jetty Road in accordance with a Transport Impact Assessment Report that includes an assessment of the potential impact the development and the access arrangement would have on the Point Nepean Road and Jetty Road intersection as well as any need for mitigation works at the intersection.

## Car and bicycle parking

- On site car and bicycle parking provision including at least all of the following:
  - 1 car parking space for each one and two bedroom dwelling;
  - 2 car parking spaces for each three bedroom dwelling;
  - 1 visitor car parking space for every 5 dwellings;
  - car parking for the restaurant(s)/café(s) to the satisfaction of the responsible authority, with at a minimum 14 car spaces and
  - 5 bicycle parking spaces.

## Building design

- A layout and elevations plans substantially in accordance with Figure 1 of this clause.

## MORNINGTON PENINSULA PLANNING SCHEME

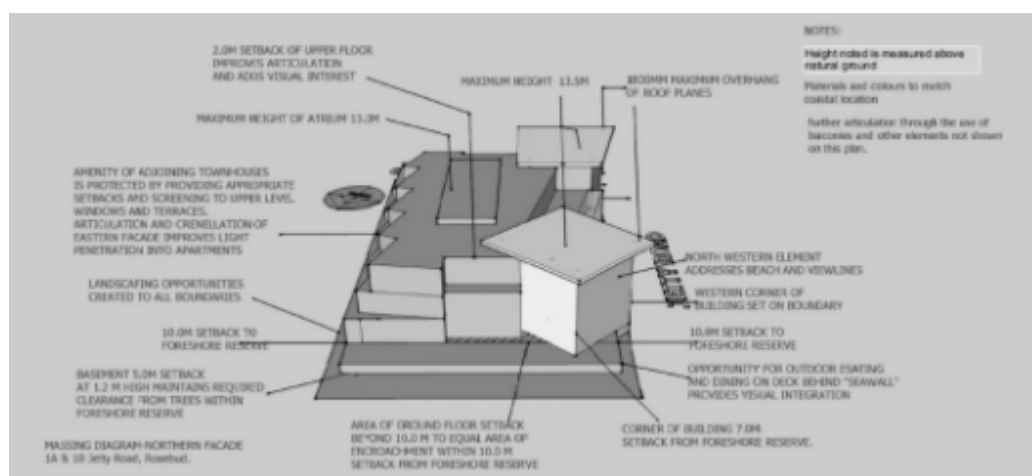
- Stormwater treatment in accordance with a Storm Water Management Plan prepared to the satisfaction of the responsible authority, having regard to water sensitive urban design principles.
- Measures to optimise access to natural light and where possible natural ventilation.
- Measures to ensure avoidance of off-site impacts.

## Landscaping

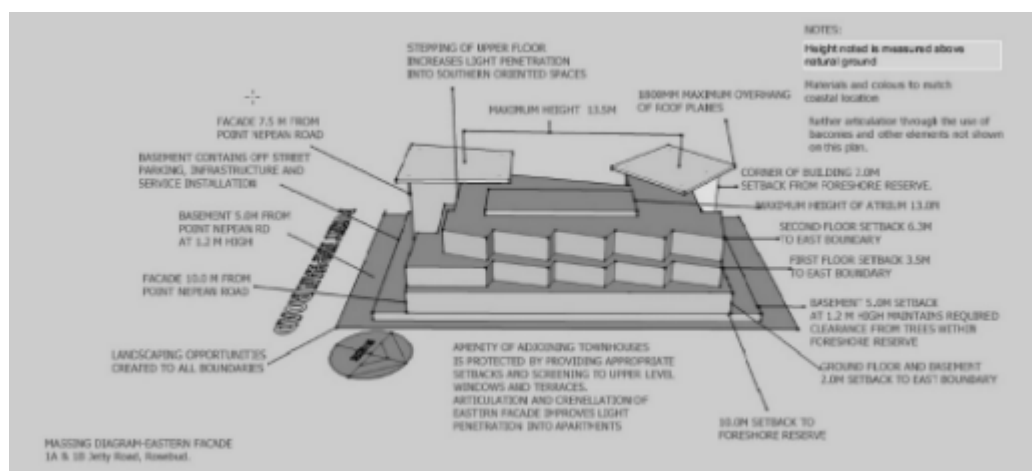
- All the following landscaping requirements:
  - Nomination of the areas set aside for landscaping of the land;
  - A schedule of all proposed and existing trees to be retained shrub and ground cover, including the location and size at maturity of all plants, and botanical names;
  - More than 80 per cent indigenous planting on the site;
  - Sight distance for vehicles and pedestrians not to be unduly restricted at the exit from the site by fencing or landscaping works; and
  - The location and type of fencing.

Figure 1

## Massing Diagram to the North

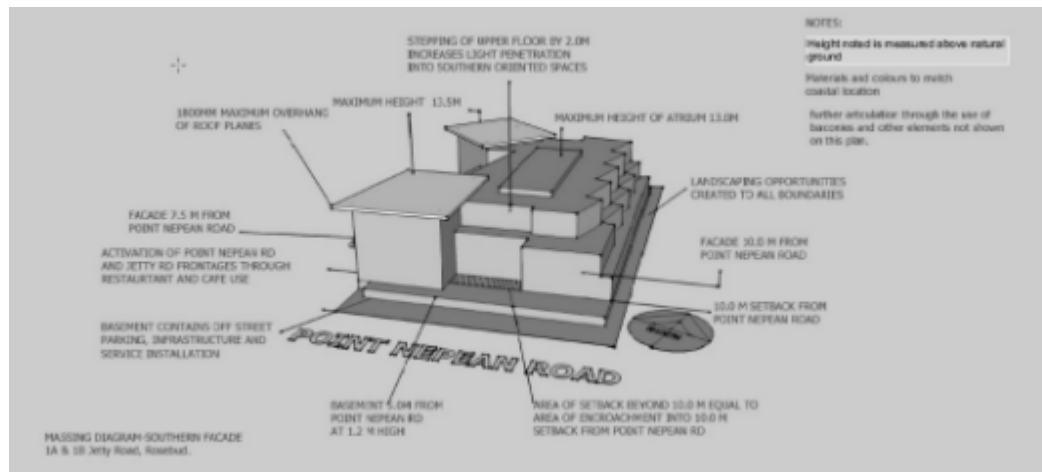


## Massing Diagram to the East

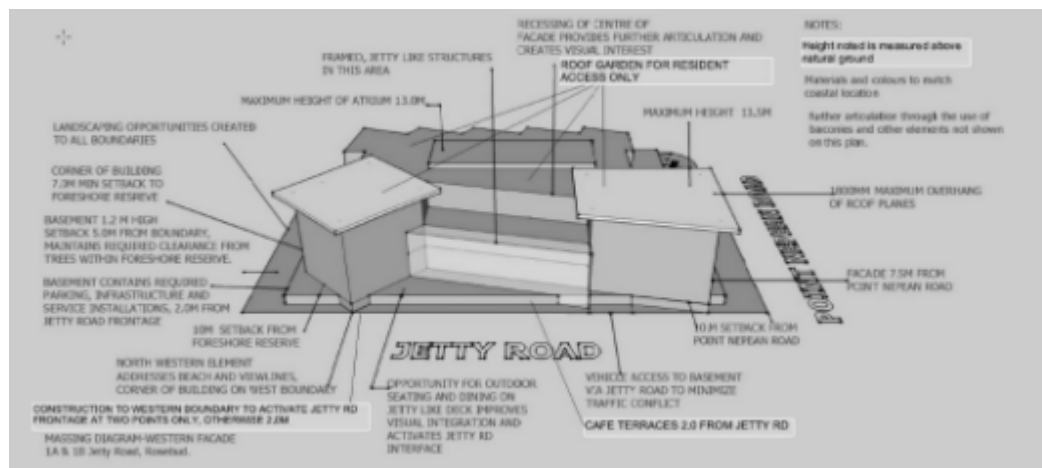


## MORNINGTON PENINSULA PLANNING SCHEME

## Massing Diagram to the South



## Massing Diagram to the West





## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 19 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme maps as DPO19.

## MORNINGTON NORTH OUTLINE DEVELOPMENT PLAN - PRECINCT 1B

This schedule applies to land at 141– 173 Bungower Road and part 71 Baldock Road, Mornington.

This land is identified as Precinct 1B on Map 1 of Clause 22.21 - Mornington North Policy. The purpose of this Overlay is to establish key parameters for the subdivision of and housing development on this land, in line with that Policy.

## 1.0

22/07/2021  
C255morn

## Objectives

None specified.

## 2.0

22/07/2021  
C255morn

## Requirement before a permit is granted

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority to construct a building or for a constructor to carry out works for:

- An alteration or extension to an existing dwelling that would increase the floor area by less than 50 percent.

## 3.0

22/07/2021  
C255morn

## Conditions and requirements for permits

None specified.

## 4.0

22/07/2021  
C255morn

## Requirements for development plan

A development plan must include the following requirements:

The development plan must provide for all of the following requirements:

- The use and development of the land for the purpose of low-density residential lots, with a range of lot sizes ranging from 2,000 square metres to larger lot sizes in accordance with the following table:

Boundary	Minimum lot sizes
Lots along Baldock Road	0.6 ha
Lots facing Bungower Road	0.3 ha

- A subdivision layout showing:
  - Vehicular access only off the roundabout at Bungower Road.
  - Land for a 13 metre road widening along Bungower Road.
  - An internal road network that includes a 18 metre wide north-south road reserve that generally links the one vehicular access point with the railway line, a 16 metre wide road reserve along Bungower Road and a road pattern that minimises the use of courts.
  - A pedestrian and bicycle network along the internal road network, with a 2.5 metre wide shared pedestrian/bicycle path along the internal north-south road, providing a link generally between Bungower Road and the railway line.
  - The provision of a public open space reserve in the south-west corner and a drainage reserve in the south-east corner

## MORNINGTON PENINSULA PLANNING SCHEME

- The provision of tree reserves along Baldock Road (at least 6 metres wide), Bungower Road (at least 3 metres wide) and the railway line (at least 10 metres wide); with a 2.5 metre wide shared pedestrian/bicycle path shown in the last two reserves.
- A 30 metre building setback from the land at 61 Baldock Road.
- A drainage report to determine the location of retardation basins and other drainage measures across the site.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 21 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO21.

11-13 MOUNTAIN VIEW ROAD, MOUNT ELIZA

## 1.0

22/07/2021  
C255morn

## Objectives

Nonespecified.

## 2.0

22/07/2021  
C255morn

## Requirement before a permit is granted

A permit may be granted to use land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

## 3.0

22/07/2021  
C255morn

## Conditions and requirements for permits

Nonespecified.

## 4.0

22/07/2021  
C255morn

## Requirements for development plan

A development plan must include the following requirements:

- The development plan must show:
  - A residential subdivision and no other use or development.
  - The area and dimensions of the proposed lots, with no more than two lots being created.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 22 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO22

CARRINGTON PARK, ROSEBUD

## 1.0

22/07/2021  
C255morn

## Objectives

None specified.

## 2.0

22/07/2021  
C255morn

## Requirement before a permit is granted

A permit may be granted for any of the following before a Development Plan has been prepared to the satisfaction of the Responsible Authority, to use or subdivide land or to construct a building or construct or carry out works for the following:

- Planning Permit CP14/002 granted by the Minister for Planning pursuant to Section 96I of the Planning and Environment Act 1987 on approval of Amendment C197 to the Mornington Peninsula Planning Scheme;
- Subdivision which will not prejudice the future use or development of the land;
- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot;
- Extension, alteration or modification of an existing use or development.

## 3.0

22/07/2021  
C255morn

## Conditions and requirements for permits

All proposals to use or subdivide land, construct a building or construct or carry out works before the Development Plan has been prepared must be accompanied by a report demonstrating that they will not prejudice the long-term future development of the land.

## 4.0

22/07/2021  
C255morn

## Requirements for development plan

A development plan must include the following requirements:

A Development Plan must be prepared to the satisfaction of the Responsible Authority, which is generally in accordance with the Development Concept Plan set out in Figure 1 and must include the following:

- Maintaining an appropriate setting for the existing building.
- Maintain public access to views of the existing building on the land.
- Create space to the north and west of the existing building that maintains views of its western façade and northwestern and southwestern corners from the primary access route to the land.
- Building envelopes in accordance with the Development Concept Plan shown at Figure 1 of this schedule.
- No more than 14 lots may be created in accordance with Figure 1 except the existing building on the land that is subject to a Heritage Overlay may be further subdivided for residential use with a maximum of four dwellings accommodated.
- Set maximum building heights for Lots 5, 6, and 7 to be expressed as levels to Australian Height Datum (AHD) to ensure the appropriate sharing of views from dwellings immediately to the east of the development plan area.
- The existing roofline of the clubhouse building must be retained in its original form.
- Define natural ground levels for each lot in accordance with the survey levels shown on Figure 4 to this schedule.
- Respect the surrounding subdivision pattern particularly the lot frontage width.

## MORNINGTON PENINSULA PLANNING SCHEME

- Embrace the view lines shown at Figure 2 to this schedule.
- Recognise the constraints and opportunities shown at Figure 3 to this schedule.
- Design new roads to reinforce the coastal village character of the area. In particular, shared surfaces are encouraged and the extent of roads should be minimised.
- The lot layout to optimise good solar orientation, minimise opportunities for overlooking and overshadowing and encourage housing to front common areas for surveillance and amenity purposes.
- Ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
- Demonstrate the achievement of ESD Best Practice Outcomes insofar as practicable with the objective of:
  - Efficient use of potable water supplies;
  - Recycling and reuse of alternative water sources;
  - Integration of stormwater treatment into the design of the common property and landscaped areas and
  - Optimising indoor environmental quality.
    - Minimising greenhouse emissions associated with building energy use;
    - Minimising greenhouse emissions associated with energy systems and energy supply;
    - Encouraging the use of renewable energy systems;
    - Achieving sustainable water cycle management through:

Design Guidelines to guide the future development of any lots resulting from the subdivision of the site. These guidelines shall not apply to the redevelopment of the existing building on the site and associated curtilage, which will be informed by the preparation of a Heritage Impact Statement and detailed Landscape Plan. The Design Guidelines must address the following matters and be generally in accordance with the design objectives set out below:

- Building setbacks;
- Building height;
- Built form character;
- Materials and finishes;
- Carparking;
- Driveways;
- Landform;
- Fencing;
- Outbuildings and Ancillary Items; and
- Landscaping.

Design Guidelines to promote the following design objectives:

- No more than one dwelling per lot excluding a dependent person's unit is to be constructed on a lot;
- To ensure that the height and bulk of new development responds to the existing built scale and neighbourhood character of the area with a maximum building height of no more than 8 metres with no more than 2 storeys above natural ground level;

## MORNINGTON PENINSULA PLANNING SCHEME

- To ensure that the height of any dwelling on Lots 5, 6 and 7 is subject to the following restrictions:
  - No part of any dwelling on these lots shall exceed 8 metres with no more than 2 storeys above natural ground level;
  - A maximum building height of RL112m AHD will apply to Lot 5 and 6; and
  - A maximum building height of RL107m AHD will apply to Lot 7. The specified maximum building height for Lot 7 is subject to architectural features, masts, or building services that do not exceed the maximum building height by more than one metre.
- To encourage built form that does not cause an unreasonable amenity impact on adjacent residential areas and in particular minimises the impact of overlooking, overshadowing and visual bulk;
- To ensure that future development of any lot attains and maintains best practice ESD outcomes in accordance with the approved ESD Framework;
- Adopts contemporary building styles that achieve design excellence;
- Locates and designs buildings and landscaping to share views of Port Phillip Bay from individual dwellings both within and around the land maximising westerly views towards the Sorrento foreshore as shown at Figure 2 to this schedule;
- Steps built form to respond to topography and minimise cut and fill;
- To ensure that setbacks are consistent with the prevailing neighbourhood character;
- To ensure that adequate provision is made for on-site parking for residents and visitors;
- Avoids high and solid fence lines alongside common property; and
- Unfenced front gardens.

A Landscape Master Plan to realise the following objectives in developing the site:

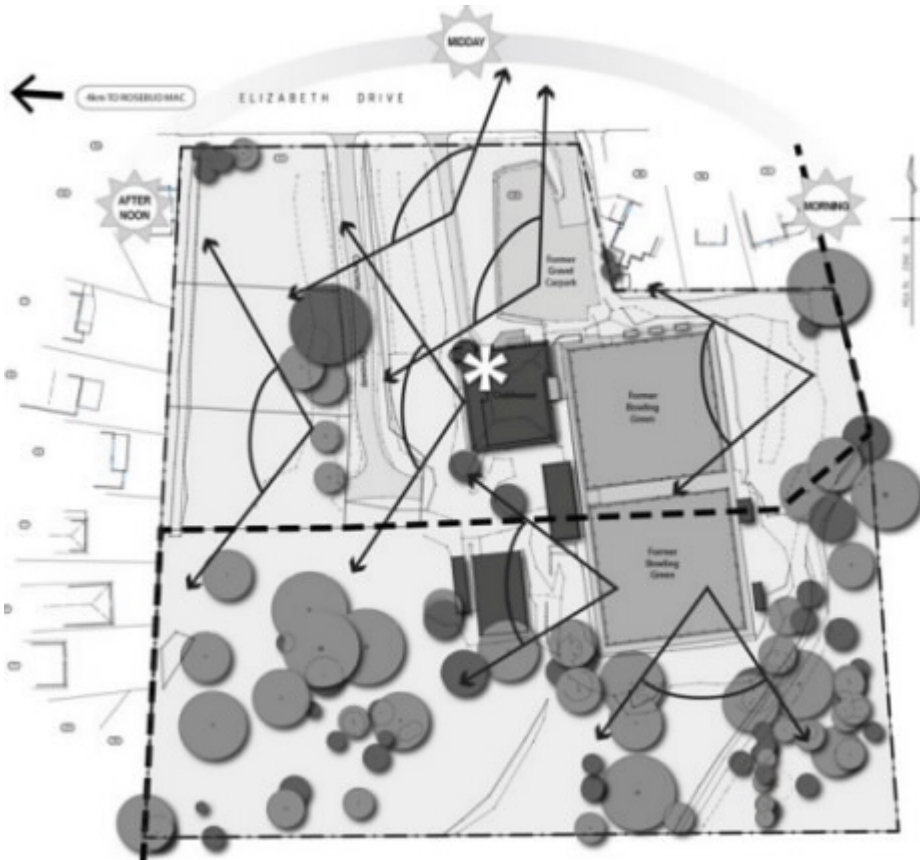
- Protect the predominant landscape features of the surrounding locality;
- Ensure that landscaping appropriately addresses the purpose of the Bushfire Management Overlay provisions applying to the site;
- The landscape master plan must address the following matters:
  - Retention of significant trees and other vegetation that warrants protection and retention subject to achieving an appropriate outcome in terms of bushfire management; and
  - The adoption of a planting schedule for the land for the purpose of creating a cohesive planting theme across the site, and to ensure the protection and maintenance of existing significant trees on the land.

## MORNINGTON PENINSULA PLANNING SCHEME

Figure 1 to Schedule 22 to Clause 43.04 - Development Concept Plan

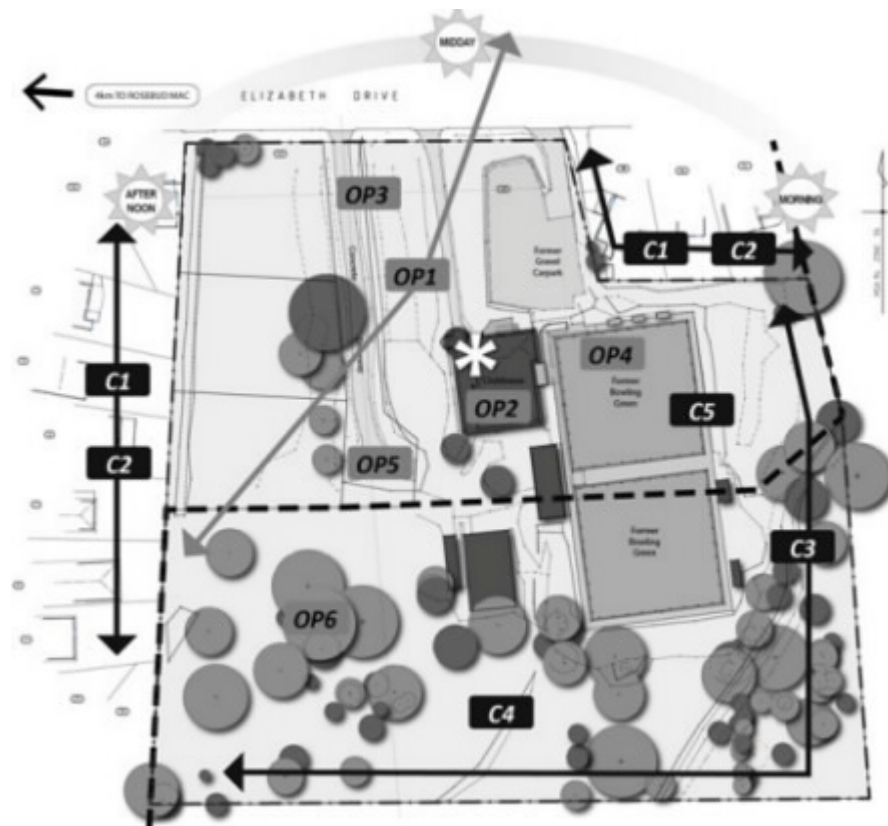


Figure 2 to Schedule 22 to Clause 43.04 - Viewlines



## MORNINGTON PENINSULA PLANNING SCHEME

Figure 3 to Schedule 22 to Clause 43.04 - Opportunities and Constraint

**Opportunities**

- OP1** OP1 – Capitalise on the expansive views and vistas across Port Phillip Bay and along the Mornington Peninsula.
- OP2** OP2 – Retain and enhance the local landmark of the former Clubhouse building.
- OP3** OP3 – Complete the southern streetscape of Elizabeth Drive by filling in the current gap in streetscape built form.
- OP4** OP4 – The subject site is relatively large compared with the surrounding properties and therefore, represents an opportunity for infill development in keeping with the prevailing neighbourhood character.
- OP5** OP5 – Provide a pedestrian link across the subject site from Elizabeth Drive to the Two Bays Walking Track.
- OP6** OP6 – Retain significant trees of value.

**Constraints**

- C1** C1 – Respond to the existing neighbourhood character to the north and west.
- C2** C2 – Avoid unreasonable impacts on the amenity of existing neighbouring dwellings.
- C3** C3 – Respond to the potential risk of bushfire and provide sufficient defensible space.
- C4** C4 – Limit development to land within the Urban Growth Boundary.
- C5** C5 – Minimise cut and fill



## MORNINGTON PENINSULA PLANNING SCHEME

06/10/2022  
C228morn

## SCHEDULE 23 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO23

146-152 BUNGOWER ROAD, MORNINGTON

## 1.0

06/10/2022  
C228morn

## Objectives

To ensure developments responsive to the site and its surrounds including its location on the periphery of the Mornington township and does not dominate the landscape.

To ensure the siting and height of buildings reflects the small scale, low-density residential character of the area and provides adequate setbacks and landscaping to provide a sensitive, vegetated landscape interface to surrounding residential areas and the nearby Green Wedge.

To protect the Mornington Racecourse from encroachment by noise-sensitive uses or by uses that are otherwise incompatible with the racecourse.

To support non-residential uses that provide services to the Mornington community including uses that provide health and other services to elderly residents and uses that complement the racecourse.

To ensure development incorporates Environmentally Sustainable Design principles and low, permeable front fences that allow views to building frontages and front garden areas.

## 2.0

06/10/2022  
C228morn

## Requirement before a permit is granted

A permit may be granted to use or subdivide land, construct a building or for a constructor to carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

A permit may be granted for the display of signs on the land before a development plan has been prepared to the satisfaction of the Responsible Authority.

## 3.0

06/10/2022  
C228morn

## Conditions and requirements for permits

The following conditions and/or requirements apply to permits:

- An application for a permit must show (either by words or diagrammatically) how the use or development will integrate with any previously approved development of the land.
- A permit for use and development of the land must demonstrate how the development delivers land uses that provide health and other services to the neighbouring residential community and / or uses that complement the racecourse.
- Buildings and works must meet the following requirements:

Outbuildings	The gross floor area of any outbuilding should not exceed 80 square metres.
Building height	A new building must not exceed a height of 8 metres and 2 storeys.
Minimum street setback	A new building must be set back from the front street at least, as indicated on the Framework Plan: <ul style="list-style-type: none"> <li>▪ 25 metres from Bungower Road and Racecourse Road.</li> </ul>
Site coverage	The site area covered by buildings should not exceed 30 per cent or 1,000 square metres, whichever is the lesser.

## MORNINGTON PENINSULA PLANNING SCHEME

Permeability	The site area covered by pervious surfaces should be at least 50 per cent.
Side and rear setbacks	<p>A new building must be set back at least, as indicated on the Framework Plan:</p> <ul style="list-style-type: none"> <li>▪ 10 metres from a side boundary.</li> <li>▪ 10 metres from a rear boundary.</li> </ul>
Encroachment into setbacks	No part of any building must not encroach into the minimum street, side and rear setbacks specified in this schedule.
Difference between finished and natural ground levels	The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed 1 metre.
Access to a roof area	A new building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.
Fences	A fence that faces a street must not exceed a height of 1.8 metres, for a street in a Road Zone, Category 1, and 1.2 metres for all other streets.

An application for the subdivision of the land must include the preparation of a Functional Layout Plan for both site access points, including identification of any land that may need to be set aside within the site and whether the existing property boundary will need to be realigned (particularly to accommodate the footpath and equestrian trail), to the satisfaction of the responsible authority. A permit must include a condition, as appropriate to give effect to any relevant requirement of an approved development plan.

## 4.0

06/10/2022  
C228morn

## Requirements for development plan

A development plan must include the following requirements:

- The following must be prepared before the Development Plan is prepared and should inform the preparation of the Development Plan, to the satisfaction of the responsible authority and in accordance with the requirements of the Development Plan below:
  - An Integrated Transport Impact Assessment is to be carried out by a suitably qualified traffic engineer to:
    - Assess the expected traffic generation and distribution from the future use and development of the land and the impact on the existing pedestrian network, equestrian trail and road network including the intersection of Bungower Road and Racecourse Road, with consideration of ten years of traffic growth from the surrounding area; and
    - Specify any measures or works recommended to mitigate identified impacts including, where relevant, a detailed Concept Plan identifying the extent of new road reserve required.
  - An Ecological Assessment identifying and assessing the ecological value of flora and fauna, must be carried out for the land and any recommendations for conservation and management must be implemented and incorporated into the Development Plan to the satisfaction of the responsible authority.

## MORNINGTON PENINSULA PLANNING SCHEME

Prior to the issue of a planning permit for use or development, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 which must provide for each of the following at the cost of the owner:

- Construction of all transport mitigation works and measures recommended in the approved Integrated Transport Impact Assessment;
- Transfer to or vesting in the relevant road authority as a public road any land required to provide the transport mitigation works and measures recommended in the approved Integrated Transport Impact Assessment.

The owner must meet all expenses in relation to preparation and registration of the agreement, including the reasonable costs of the responsible authority and relevant road authority.

## General Layout

- The relationship of the land to the existing or proposed and uses on adjoining land.
- The indicative building footprints of the proposed built form.
- Vehicle and pedestrian access points to the site.
- Development generally consistent with the Framework Plan in this Schedule.
- Indicative car park locations and their relationship to the building footprints and internal and external roads.

## Subdivision

- Lot sizes of 2,000 square metres or greater
- Lots dimensioned in such a way as to allow for substantial breaks between buildings on different lots as shown on the Framework Plan in this Schedule.
- A frontage of at least 20 metres for any battle-axe lot.
- No more than 4 battle-axe lots sharing the frontage.

## Buildings and works

- Built form separated to provide a spacious low-density response with opportunities for landscaping within the development.
- Buildings designed to provide activation to the internal road network whilst providing a high-quality interface with external road network.
- Buildings designed to support the preferred land uses on the site.
- Car parking within the lots achieving good landscape and urban design outcomes.

## Land Use

- Non-residential land uses that provide health and other services to the Mornington community including uses that provide health and other services to elderly residents and uses that complement the racecourse. These uses include:
  - Function centre
  - Education centre
  - Childcare centre
  - Hospital
  - Indoor Recreation Facility
  - Medical centre
  - Motel
  - Place of assembly (other than amusement parlour, carnival, circus and nightclub)

## MORNINGTON PENINSULA PLANNING SCHEME

- . Place of worship
- . Residential aged care facility
- . Veterinary centre

## Access and movement

- A maximum of one vehicular access/egress point from Bungower Road, limited to a left in/left out/right in intersection to '152 Bungower Road, Mornington,' including a right turn lane and left deceleration lane.
- Provision of an internal road providing access through the site from Bungower Road and Racecourse Road with appropriate traffic management to discourage cut through traffic.
- A maximum of one vehicular access/egress point from Racecourse Road, including a right turn deceleration lane.
- Provision of a publicly accessible pedestrian path, with a minimum of 3.5 metres, along the site frontages, which allows for the retention of the existing equestrian trail. This publicly accessible pedestrian path can be provided within the Indicative Building Setback as shown in the Framework Plan in this Schedule.
- Indicative pedestrian access to and through the site, connecting to existing pedestrian networks on Bungower and Racecourse Roads and indicative pedestrian refuge crossings located on Racecourse Road and Bungower Road.

## Landscape

- Landscaping along the road frontages, the side and rear boundaries and within the development.
- Existing mature trees protected subject to an Arboriculture assessment prepared by a suitably qualified person.
- A survey that shows the location and botanical names of all existing vegetation to be retained and those to be removed.
- A planting schedule of all proposed trees, shrubs and ground covers including location, botanical names, common names, pot sizes, width and height at maturity, and quantity of each plant.
- The percent of species selection by type and number that is indigenous to the local Ecological Vegetation Class (EVC) – the indigenous component should be at least 50 percent.
- The pot size and height of all trees and shrubs during installation – trees should have a minimum pot size of 250 millimetres and minimum height of 1.5 metres while shrubs should have a minimum pot size of 200 millimetres.
- The location of easements, both proposed and existing – trees with a mature height over 5 metres should not be planted over easements.
- The delineation of all excavation, garden beds, paving, grassed areas, retaining walls, fences and other landscape works.
- Details of landscaping and planting within all open areas of the site.
- Details of any tree protection methods required in accordance with Australian Standard AS 4970-2009 protection of trees on development sites.
- Notes regarding site preparation including the removal of all weeds, proposed mulch, planting instructions, plant establishment procedures and any specific maintenance requirements.

The above information should be provided as part of a Landscape Plan, drawn to scale and prepared by a suitably qualified landscape professional.

## Signage

## MORNINGTON PENINSULA PLANNING SCHEME

- Singletenancysignageshouldbeintegratednto building design.
- Multiple tenancysignageshouldbe coordinatedacrossthe site.

## FRAMEWORK PLAN



MORNINGTON PENINSULA PLANNING SCHEME

44

19/01/2006  
VC37

LAND MANAGEMENT OVERLAYS

## MORNINGTON PENINSULA PLANNING SCHEME

## 44.01

06/09/2021  
VC171

## EROSION MANAGEMENT OVERLAY

Shown on the planning scheme maps as EMO with a number (if shown).

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

## 44.01-1

31/07/2018  
VC148

## Erosion management objectives and statement of risk

A schedule to this overlay may contain:

- Erosion management objectives to be achieved.
- A statement of risk.

## 44.01-2

14/12/2023  
VC253

## Buildings and works

A permit is required to construct a building or construct or carry out works, including:

- Roadworks (other than roadworks constructed or carried out by or on behalf of the Head, Transport for Victoria).
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Any other matters specified in Clause 62.02-2 if specified in a schedule to this overlay

This does not apply if a schedule to this overlay specifically states that a permit is not required.

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a fence.	Clause 59.05
Construct a building or construct or carry out works for:	Clause 59.05
<ul style="list-style-type: none"> <li>▪ A carport, garage, pergola, verandah, deck, shed or similar structure.</li> <li>▪ A rainwater tank.</li> </ul>	
The buildings and works must be associated with a dwelling or a small second dwelling.	

## 44.01-3

31/07/2018  
VC148

## Vegetation removal

A permit is required to remove, destroy or lop any vegetation. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- If the table to Clause 44.01-4 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

## MORNINGTON PENINSULA PLANNING SCHEME

44.01-4

16/08/2024  
VC262

## Table of exemptions

The requirement to obtain a permit does not apply to:	
Emergency works	<p>Vegetation that is to be removed, destroyed or lopped:</p> <ul style="list-style-type: none"> <li>in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or</li> <li>where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</li> </ul>
Extractive industry	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.</p>
Fire protection	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</p> <ul style="list-style-type: none"> <li>fire fighting;</li> <li>planned burning;</li> <li>making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</li> <li>making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</li> <li>is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</li> <li>in accordance with a fire prevention notice issued under either: <ul style="list-style-type: none"> <li>section 87 of the Fire Rescue Victoria Act 1958;</li> <li>section 65 of the Forests Act 1958; or</li> <li>section 41 of the Country Fire Authority Act 1958.</li> </ul> </li> <li>keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;</li> <li>minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.</li> </ul> <p>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</p>
Geothermal energy exploration and extraction	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005.</p>
Greenhouse gas sequestration and exploration	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008.</p>
Land management or directions notice	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994.</p>
Land use conditions	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994.</p>



## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

Mineral exploration and extraction	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the Mineral Resources (Sustainable Development) Act 1990:</p> <ul style="list-style-type: none"> <li>that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</li> <li>in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</li> </ul> <p>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</p>
Noxious weeds	<p>Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder (<i>Cuscuta australis</i>).</p>
Pest animal burrows	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows.</p> <p>In the case of native vegetation the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped.</p>
Planted vegetation	<p>Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.</p>
Railways	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</p>
Regrowth	<p>Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:</p> <ul style="list-style-type: none"> <li>bracken (<i>Pteridium esculentum</i>); or</li> <li>within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.</li> </ul> <p>This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</p>
Road safety	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</p>
Stone exploration	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</p> <p>The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> <li>1 hectare of vegetation which does not include a tree.</li> <li>15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</li> <li>5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</li> </ul> <p>This exemption does not apply to costeaning and bulk sampling activities.</p>
Surveying	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.</p>
Traditional owners	<p>Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</p>

## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

	<ul style="list-style-type: none"> <li>a natural resources agreement under Part 6 of the Traditional Owners Settlement Act 2010; or</li> <li>an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional owners Settlement Amendment Act in 2016 (1 May 2017).</li> </ul>
Tram stops	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.
Transport land	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure.

44.01-5

31/07/2018  
VC148

## Subdivision

A permit is required to subdivide land.

44.01-6

31/07/2018  
VC148

## Application requirements

An application must be accompanied by any information specified in a schedule to this overlay and information showing:

- The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.
- The extent of any proposed earthworks.
- The means proposed to stabilise disturbed areas.
- Any other application requirements specified in a schedule to this overlay.

44.01-7

15/09/2022  
VC225

## Exemption from notice and review

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

44.01-8

20/03/2023  
VC229

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Regional Catchment Strategy (Catchment and Land Protection Act 1994).
- Civil construction building and demolition guide (Publication 1834, Environment Protection Authority, November 2020).
- Control of Erosion on Construction Sites, Soil Conservation Authority.
- Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.
- Any proposed measures to manage concentrated runoff and site drainage.
- Any proposed measures to minimise the extent of soil disturbance.
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes and whether such removal is consistent with sustainable land management.

## MORNINGTON PENINSULA PLANNING SCHEME

- The need to stabilise disturbed areas by engineering works or revegetation.
- Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.
- Whether buildings or works are likely to cause erosion or landslip.
- Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.
- Land Capability Report (if prepared) as developed by the Department of Energy, Environment and Climate Action.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property
- Any technical information or reports required to be provided by a schedule to this overlay
- Any other matters specified in a schedule to this overlay

## MORNINGTON PENINSULA PLANNING SCHEME

06/06/2022  
C267morn

## SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as EMO1.

## EROSION PRONE SLOPES

1.0

22/07/2021  
C255morn

Erosion management objectives to be achieved

Nonespecified.

2.0

22/07/2021  
C255morn

Statement of risk

Nonespecified.

3.0

22/07/2021  
C255morn

Permit requirement

A permit is required for:

- An open-sided pergola or veranda to a dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of 3 metres above ground level.
- A deck to a dwelling with a finished floor level not more than 800 mm above ground level.
- A disabled access ramp.

4.0

22/07/2021  
C255morn

Application requirements

Nonespecified.

5.0

22/07/2021  
C255morn

Decision guidelines

Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

06/06/2022  
C267morn

## SCHEDULE 2 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as EMO2.

### UNSTABLE SLOPES

1.0  
22/07/2021  
C255morn

Erosion management objectives to be achieved  
None specified.

2.0  
22/07/2021  
C255morn

Statement of risk  
None specified.

3.0  
22/07/2021  
C255morn

Permit requirement

A permit is required for:

- An open-sided pergola or veranda to a dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of 3 metres above ground level.
- A deck to a dwelling with a finished floor level not more than 800 mm above ground level.
- A disabled access ramp.

4.0  
22/07/2021  
C255morn

Application requirements  
None specified.

5.0  
22/07/2021  
C255morn

Decision guidelines  
None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 3 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as EMO3.

## 1.0

22/07/2021  
C255morn

Erosion management objectives to be achieved

None specified.

## 2.0

22/07/2021  
C255morn

Statement of risk

None specified.

## 3.0

22/07/2021  
C255morn

Permit requirement

A permit is required for:

- An open-sided pergola or veranda to a dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of 3 metres above ground level.
- A deck to a dwelling with a finished floor level not more than 800 mm above ground level.
- A disabled access ramp.

An application must be accompanied by:

A two part report prepared by a suitably qualified geotechnical engineer with experience in slope stability.

- Part one of the report is to be a site specific geotechnical engineering assessment including:
  - Study of geological and topographic maps.
  - Consideration of available data about the site and its surrounding area (including previous instability, see page and building distress) and details of the proposed development.
  - Appraisal of the site and surrounding areas including signs of instability and soil creep, soil and rock exposures, see page, vegetation and existing development which might affect the stability of the area.
  - Collection of basic geological and topographic data from the site to produce a geological model.
  - Consideration of possible effects of high rainfall.
  - A recommendation as to whether a geotechnical engineering investigation (eg. borehole drilling, test pits, groundwater studies, laboratory testing, engineering analysis) should be undertaken.
- Part two of the report, being a geotechnical engineering investigation, is required if any of the following apply:
  - The land is affected by zone IV of the incorporated document titled, Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan dated 11 July 2000.
  - A geotechnical engineering investigation is appropriate in view of Part one of the report.
- A review of the above report by an independent and suitably qualified geotechnical engineer with experience in slope stability.
- Details of the qualifications and relevant experience of the authors of both the report and the review.
- Evidence that Melbourne Water's views about the application have been sought.

The responsible authority may waive any of these requirements if they are unnecessary given the circumstances of the application.

MORNINGTON PENINSULA PLANNING SCHEME

4.0                    Application requirements  
22/07/2021  
C255morn                    Nonespecified.

5.0                    Decision guidelines  
22/07/2021  
C255morn                    Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C279morn

## SCHEDULE 4 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme maps as EMO4.

## LANDSLIDE SUSCEPTIBILITY AREA A

## 1.0

22/07/2021  
C279morn

Erosion management objectives to be achieved

To ensure land in areas susceptible to landslide is developed with proper regard to geotechnical hazard and risk assessment, including appropriate risk mitigation.

## 2.0

22/07/2021  
C279morn

Statement of risk

Areas susceptible to landslide have been identified to occur along the coastline, creeks and steep slopes in land parts of the Mornington Peninsula. Inappropriate use and development, including vegetation removal, can exacerbate the risks of landslide to life, property and environment associated with these areas. Problems may include restricted usability; structural stability, cracking and rising damp. Changes in drainage patterns or the water table could also contribute to further instability with associated risks to water quality and the protection of indigenous flora and fauna.

## 3.0

22/07/2021  
C279morn

Permit requirement

A permit is not required to construct a building or for a constructor to carry out works if all the following requirements are met:

- No increase in building height.
- No ground disturbance.
- No change to stormwater runoff.

## 4.0

22/07/2021  
C279morn

Application requirements

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01 and elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- A site specific geotechnical hazard and risk assessment report prepared by a suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment. This report must contain:
  - A record of the plans for the proposed development that have been examined.
  - The results of a geotechnical investigation including:
    - A site history of land use and development including any signs of movement which is informed by consultation with land owners or residents.
    - Geological and topographic information including reference to relevant maps.
    - Findings from a detailed inspection of the site in the context of its surrounds including geomorphological features, details of any development or earthworks and any signs of movement. The likelihood of any pre-existing slope failures on the site needs to be assessed even if disguised by on-site development and erosion.
    - Analysis of an historical sequence of aerial photographs.
    - An inventory of the location, nature and extent of individual landslides in the area sourced from the Shire's landslide inventory or other relevant historical documents.
    - An assessment of the likely groundwater levels including response to rainfall events.
    - At least three boreholes to a minimum depth of five metres.



## MORNINGTON PENINSULA PLANNING SCHEME

- Appropriate undisturbed sampling, Standard Penetrometer testing or coring of rock, whichever is appropriate.
  - Appropriate geotechnical testing in an ISO/IEC 170125 accredited soil laboratory to confirm the geotechnical shear strength design parameters or at least sufficient testing to determine the shear strength by established correlations.
  - A geotechnical model including identification of geomorphic processes with associated cross-sections.
  - A computer slope stability assessment of the site including the proposed development and any cuts or filled areas.
- A geotechnical hazard assessment including:
  - A description of any landslide hazard including the location, volume (or area), classification and velocity of any potential landslide, any resultant detached material and the probability of occurrence within a given period of time.
  - The elements that may be potentially affected by any landslide hazard including population, buildings, engineering works, economic activities, utilities, infrastructure or environmental features in the area.
- If any of the land is also affected by EMO 5, a quantitative risk assessment of the site in accordance with the 'Practice Note Guidelines for Landslide Risk Management', Australian Geomechanics Journal, Vol. 42, No. 1 (B. Walker, W. Davies & G. Wilson, March 2007) procedures for loss of life and either quantitative or qualitative for property loss.
- A discussion and recommendation about whether the site is suitable for the proposed development including whether or not conditions should be imposed about the following matters:
  - The design methodology for any buildings or works.
  - Site restrictions.
  - On-going site management during and post construction conducted by a suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment.
  - A monitoring, inspection and maintenance regime conducted by a suitably qualified geotechnical engineer or engineering geologist who is experienced in slope stability assessment including whether any such regimes should apply for the life of a development.
  - Other risk mitigation measures.

If conditions are recommended, specific details must be provided.
- A review of the above report by an independent and suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment.
- Details of the qualifications, professional recognition, level of professional indemnity and relevant experience of the author(s) of both the report and the peer review.
- If a site specific geotechnical hazard and risk assessment report or peer report is submitted, an accompanying Geotechnical Declaration and Verification Development Application that is generally consistent with Form A of Appendix D of the 'Practice Note Guidelines for Landslide Risk Management', Australian Geomechanics Journal, Vol. 42, No. 1 (B. Walker, W. Davies & G. Wilson, March 2007).

In deciding whether or not to waive any of the above requirements, the responsible authority will consider as appropriate:

- Whether the proposed building or works generally presents a very low or low risk to life and property

## MORNINGTON PENINSULA PLANNING SCHEME

- Whether the proposed building or works are a minor extension or alteration of an existing development.
- Whether any earthworks have a depth of one metre or less from natural ground level.
- Whether a geotechnical practitioner has submitted a Declaration of Minor Impact that is generally consistent with Form D of Appendix D of the 'Practice Note Guidelines for Landslide Risk Management', Australian Geomechanics Journal, Vol. 42, No. 1 (B. Walker, W. Davies & G. Wilson, March 2007).
- Whether the lot is also affected by Erosion Management Overlay 5 (EMO5). (If so, it may be inappropriate to waive the risk assessment, peer review or Declaration requirements as these are generally necessary in the EMO5).
- The qualifications, depth and relevance of experience and professional recognition of any geotechnical practitioner who has made a declaration or report.

## 5.0

22/07/2021  
C279morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- Whether pedestrian access to any accommodation and a reasonable amount of associated private open space are secured to the extent that loss of functionality is unlikely.
- Whether building and pavement stormwater runoff together with surface water and sub-surface groundwater is to be collected into flexible pipes, designed to prevent blockage and connected to a stormwater pipe system.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C279morn

## SCHEDULE 5 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme maps as EMO5.

## LANDSLIDE SUSCEPTIBILITY AREA B

## 1.0

22/07/2021  
C279morn

## Erosion management objectives to be achieved

To ensure land in areas susceptible to landslides is developed with proper regard to geotechnical hazard and risk assessment, including appropriate risk mitigation.

## 2.0

22/07/2021  
C279morn

## Statement of risk

Areas susceptible to landslides have been identified to occur along the coastline, creeks and steeper slopes in inland parts of the Mornington Peninsula. Inappropriate use and development, including vegetation removal, can exacerbate the risks of landslides to life, property and environment associated with these areas. Problems may include restricted usability; structural stability, cracking and rising damp. Changes in drainage patterns or the water table could also contribute to further instability with associated risks to water quality and the protection of indigenous flora and fauna.

## 3.0

22/07/2021  
C279morn

## Permit requirement

A permit is not required to construct a building or construct or carry out works if all the following requirements are met:

- No increase in building height.
- No ground disturbance.
- No change to stormwater runoff.

## 4.0

22/07/2021  
C279morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01 and elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- A site specific geotechnical hazard and risk assessment report prepared by a suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment. This report must contain:
  - A record of the plans for the proposed development that have been examined.
  - The results of a geotechnical investigation including:
    - A site history of land use and development including any signs of movement, which is informed by consultation with land owners or residents.
    - Geological and topographic information including references to relevant maps.
    - Findings from a detailed inspection of the site in the context of its surrounds including geomorphological features, details of any development or earthworks and any signs of movement. The likelihood of any pre-existing slope failures on the site needs to be assessed, even if disguised by on-site development and erosion.
    - Analysis of an historical sequence of aerial photographs.
    - An inventory of the location, nature and extent of individual landslides in the area sourced from the Shire's landslide inventory or other relevant historical documents.
    - An assessment of the likely groundwater levels including responses to rainfall events.
    - At least three boreholes to a minimum depth of twelve metres.

## MORNINGTON PENINSULA PLANNING SCHEME

- Appropriate undisturbed sampling, Standard Penetrometer testing or coring of rock, whichever is appropriate.
  - Appropriate geotechnical testing in an ISO/IEC 170125 accredited soil laboratory which, as a guide, would involve some of the following: direct shear tests, appropriate triaxial compression tests, Atterberg limits or particle size distributions.
  - A geotechnical model including identification of geomorphic processes with associated cross-sections.
  - A computer slope stability assessment of the site including the proposed development and any cuts or filled areas.
- A geotechnical hazard assessment including:
  - A description of any landslide hazard including the location, volume (or area), classification and velocity of any potential landslide, any resultant detached material and the probability of occurrence within a given period of time.
  - The elements that may be potentially affected by any landslide hazard including population, buildings, engineering works, economic activities, utilities, infrastructure or environmental features in the area.
- A quantitative risk assessment of the site in accordance with the 'Practice Note Guidelines for Landslide Risk Management', Australian Geomechanics Journal, Vol. 42, No. 1 (B. Walker, W. Davies & G. Wilson, March 2007) procedures for loss of life and either quantitative or qualitative for property loss.
- A discussion and recommendation about whether the site is suitable for the proposed development including whether or not conditions should be imposed about the following matters:
  - The design methodology for any buildings or works.
  - Site restrictions.
  - On-going site management during and post construction conducted by a suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment.
  - A monitoring, inspection and maintenance regime conducted by a suitably qualified geotechnical engineer or engineering geologist who is experienced in slope stability assessment including whether any such regimes should apply for the life of a development.
  - Other risk mitigation measures.

If conditions are recommended, specific details must be provided.

- A review of the above report by an independent and suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment.
- Details of the qualifications, professional recognition, level of professional indemnity and relevant experience of the author(s) of both the report and the peer review.
- If a site specific geotechnical hazard and risk assessment report or peer report is submitted, an accompanying Geotechnical Declaration and Verification Development Application that is generally consistent with Form A of Appendix D of the 'Practice Note Guidelines for Landslide Risk Management', Australian Geomechanics Journal, Vol. 42, No. 1 (B. Walker, W. Davies & G. Wilson, March 2007).

If any of these information requirements are unnecessary given the circumstances of the application, they may be waived to the satisfaction of the responsible authority.

In deciding whether or not to waive any of the above requirements, the responsible authority will consider as appropriate:

## MORNINGTON PENINSULA PLANNING SCHEME

- Whether the proposed building or works generally presents a very low or low risk to life and property
- Whether the proposed building or works are a minor extension or alteration of an existing development.
- Whether any earthworks have a depth of one metre or less from natural ground level.
- Whether a geotechnical practitioner has submitted a Declaration of Minor Impact that is generally consistent with Form D of Appendix D of the 'Practice Note Guidelines for Landslide Risk Management' Australian Geomechanics Journal, Vol. 42, No. 1 (B. Walker, W. Davies & G. Wilson, March 2007).
- Whether in view of any Declaration of Minor Impact, a risk assessment, peer review and Declaration requirements are considered to be generally necessary
- The qualifications, depth and relevance of experience and professional recognition of any geotechnical practitioner who has made a declaration or report.

## 5.0

22/07/2021  
C279morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- Whether pedestrian access to any accommodation and a reasonable amount of associated private open space are secured to the extent that loss of functionality is unlikely.
- Whether building and pavement stormwater runoff together with surface water and sub-surface groundwater is to be collected into flexible pipes, designed to prevent blockage and connected to a stormwater pipe system.

## MORNINGTON PENINSULA PLANNING SCHEME

## 44.03

01/07/2021  
VC203

## FLOODWAY OVERLAY

Shown on the planning scheme maps as FO or RFO with a number (if shown).

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify waterways, major flood paths, drainage depression and high hazard areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas and managing salinity discharge to minimise the risks to the environmental quality of water and groundwater.

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

## 44.03-1

31/07/2018  
VC148

## Floodway objectives and statement of risk

A schedule to this overlay may contain:

- Floodway management objectives to be achieved.
- A statement of risk.

## 44.03-2

14/12/2023  
VC253

## Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or veranda including an open-sided pergola or veranda to a dwelling or a small second dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling or a small second dwelling with a finished floor level not more than 800mm above ground level.
- A disabled access ramp.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To roadworks or bicycle paths and trails constructed or carried out by or on behalf of the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.

## MORNINGTON PENINSULA PLANNING SCHEME

- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
  - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
  - The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- To post and wire and post and rail fencing.

## 44.03-3

31/07/2018  
VC148

## Subdivision

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

## 44.03-4

31/07/2018  
VC148

## Application requirements

## Local floodplain development plan

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

## Flood risk report

If a local floodplain development plan for the area has not been incorporated into this scheme, an application must be accompanied by a flood risk report to the satisfaction of the responsible authority, which must consider the following, where applicable:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
  - The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessways flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effects of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

## MORNINGTON PENINSULA PLANNING SCHEME

- An application must be accompanied by any information specified in a schedule to this overlay

## 44.03-5

31/07/2018  
VC148

## Exemption from notice and review

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 44.03-6

31/07/2018  
VC148

## Referral of applications

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

## 44.03-7

31/07/2018  
VC148

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.
- Any other matters specified in a schedule to this overlay



## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 44.03 FLOODWAY OVERLAY

Shownon theplanningschemenapasFO.

1.0

22/07/2021  
C255morn

Floodway objectives to be achieved

Nonespecified.

2.0

22/07/2021  
C255morn

Statement of risk

Nonespecified.

3.0

22/07/2021  
C255morn

Permit requirement

Nonespecified.

4.0

22/07/2021  
C255morn

Application requirements

Nonespecified.

5.0

22/07/2021  
C255morn

Decision guidelines

Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

## 44.04

06/09/2021  
VC171

## LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme maps as LSIO with a number (if shown).

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 percent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To minimise the potential flood risk to life, health and safety associated with development.

To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas and managing salinity discharges to minimise the risks to the environmental quality of water and groundwater

To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

## 44.04-1

24/01/2020  
VC160

Land subject to inundation objectives and statement of risk

A schedule to this overlay may contain:

- Land subject to inundation management objectives to be achieved.
- A statement of risk.

## 44.04-2

14/12/2023  
VC253

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Road works if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or veranda including an open-sided pergola or veranda to a dwelling or a small second dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling or a small second dwelling with a finished floor level not more than 800mm above ground level.
- A disabled access ramp.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To road works or bicycle paths and trails constructed or carried out by or on behalf of the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.

## MORNINGTON PENINSULA PLANNING SCHEME

- To flood mitigation works carried out by the responsible authority or floodplain management authority
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
  - The laying of underground sewerage water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
  - The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- To post and wire and post and rail fencing.

## 44.04-3

31/07/2018  
VC148

## Subdivision

A permit is required to subdivide land.

## 44.04-4

31/07/2018  
VC148

## Application requirements

An application must be accompanied by any information specified in a schedule to this overlay

## 44.04-5

31/07/2018  
VC148

## Local floodplain development plan

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme an application must be consistent with the plan.

## 44.04-6

31/07/2018  
VC148

## Exemption from notice and review

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 44.04-7

31/07/2018  
VC148

## Referral of applications

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority

## 44.04-8

06/09/2021  
VC171

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
  - Any local floodplain development plan.
  - Any comments from the relevant floodplain management authority
  - The existing use and development of the land.
  - Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay
  - Alternative design or flood proofing responses.
  - The susceptibility of the development to flooding and flood damage.
  - The potential flood risk to life, health and safety associated with the development
- Flood risk factors to consider include:

## MORNINGTON PENINSULA PLANNING SCHEME

- The frequency, duration, extent, depth and velocity of flooding of the site and accessway
- The flood warning time available.
- Tidal patterns.
- Coastal inundation and erosion.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessways flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.
- Any other matters specified in a schedule to this overlay

## MORNINGTON PENINSULA PLANNING SCHEME

07/12/2020  
C277morn

## SCHEDULE 1 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO1.

## 1.0

21/03/2019  
C216

Land subject to inundation objectives to be achieved

None specified.

## 2.0

21/03/2019  
C216

Statement of risk

None specified.

## 3.0

21/03/2019  
C216

Permit requirement

Rural Zones (all areas under Clause 35 of the Mornington Peninsula Planning Scheme)

A permit is not required to construct a building or for a constructor to carry out works associated with the following use or works, unless within 30m of a waterway:

- Works associated with vine or horticultural trellises or watering systems.
- Dams less than 3000 cubic metres capacity where no fill is imported to the site and where no embankments are above natural ground level.
- Windmills and solar units.
- Outbuildings less than 10 square metres gross floor area, including a pump shed.
- A building or structure not used for Accommodation with a minimum of one wall fully and permanently open, such as hay sheds, cattle yard, covered horse stable or yards.
- Buildings or works in accordance with a whole farm plan prepared to the satisfaction of the Responsible Authority and Melbourne Water Corporation.

Urban Areas (all areas Under clause 32, 33 and 34 of the Mornington Peninsula Planning Scheme)

A permit is not required to construct a building or for a constructor to carry out works for any of the following, unless within 30m of a waterway:

- An extension to an existing dwelling, provided the proposed floor level is at or above the highest point of the existing floor level and the gross floor area of the extension does not exceed 20 square metres.
- A non-habitable building (other than a building associated with the use of land for industry or for a public or commercial activity), provided that the floor levels are above the applicable levels set by the relevant floodplain management authority.
- An extension to a non-habitable building (other than a building associated with the use of land for industry or for a public or commercial activity), provided that the floor levels are above the applicable levels set by the relevant floodplain management authority.
- Outbuildings and works normal to an existing dwelling, including a deck or veranda with a floor area no greater than 20 square metres, landscaping, pergola, driveway, carport, in-ground swimming pool and associated fencing, barbeques and water tank.
- A footpath, bicycle path or elevated boardwalk, provided that they are constructed at ground level.
- A boardwalk, provided that the new surface levels are above the applicable levels set by the relevant floodplain management authority.
- An upper storey extension to an existing building within the existing building footprint.
- An open building with no walls.

## MORNINGTON PENINSULA PLANNING SCHEME

- A replacement fence of the same material as the existing fence, in the same location.
- A tennis court or other sports ground at natural ground level.
- A radio mast, telecommunication tower, antenna power pole or light pole.
- A non-domestic disabled access ramp.
- An outdoor advertising sign/structure provided that it does not alter flows or floodplain storage capacity
- Earthworks associated with the construction of a dam, provided no fill is imported to the site and no embankments are above ground level.

Public Land Zones (all areas Under Clause 36 of the Mornington Peninsula Planning Scheme)

A permit is not required to construct a building or construct or carry out works for any of the following:

- An extension to an existing building, provided the proposed floor level is at or above the highest point of the existing floor level and the gross floor area of the extension does not exceed 20 square metres.
- A deck or veranda associated with an existing building with a floor area no greater than 20 square metres.
- A footpath, bicycle path or elevated boardwalk, provided that they are constructed at ground level.
- A boardwalk, provided that the new surface levels are above the applicable levels set by the relevant floodplain management authority
- An upper storey extension to an existing building within the existing building footprint.
- An open building with no walls.
- A replacement fence of the same material as the existing fence, in the same location.
- A tennis court or other sports ground at natural ground level.
- A radio mast, telecommunication tower, antenna power pole or light pole.
- A non-domestic disabled access ramp.
- An outdoor advertising sign/structure provided that it does not alter flows or floodplain storage capacity

## 4.0

21/03/2019  
C216

## Application requirements

None specified.

## 5.0

21/03/2019  
C216

## Decision guidelines

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

## 44.06

31/07/2018  
VC148

## BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as BMO with a number (if shown).

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

To ensure developments only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

## 44.06-1

19/09/2017  
VC132

## Bushfire management objectives and application of schedules

A schedule to this overlay must contain a statement of the bushfire management objectives to be achieved for the area affected by the schedule and when the requirements within it apply.

## 44.06-2

14/12/2023  
VC253

## Permit requirement

## Subdivision

A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

## Buildings and works

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a moveable unit as defined under the Housing Act 1983)
- Education centre
- Hospital
- Industry
- Leisure and recreation
- Office
- Place of assembly
- Retail premises
- Service station
- Timber production
- Warehouse

This does not apply to any of the following:

- If a schedule to this overlay specifically states that a permit is not required.
- A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5.
- An alteration or extension to an existing building used for a dwelling or a small second dwelling that is less than 50 percent of the gross floor area of the existing building.
- An alteration or extension to an existing building (excluding a dwelling and a small second dwelling) that is less than 10 percent of the gross floor area of the existing building.

## MORNINGTON PENINSULA PLANNING SCHEME

- A building or works with a floor area of less than 100 square metres not used for accommodation and ancillary to a dwelling.
- A building or works associated with Timber production provided the buildings or works are not within 150 metres of Accommodation or land zoned for residential or rural residential purposes.

## 44.06-3

20/03/2023  
VC229

## Application requirements

Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:

- A bushfire hazard site assessment including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2018 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.
- A bushfire hazard landscape assessment including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.
- A bushfire management statement describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.

If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

## 44.06-4

31/07/2018  
VC148

## Requirements of Clause 53.02

An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.

A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substituted decision guidelines for the purposes of Clause 53.02.

## 44.06-5

31/07/2018  
VC148

## Mandatory condition

## Subdivision

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the [\*insert name of applicable planning scheme] Planning Scheme.
- Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”



## MORNINGTON PENINSULA PLANNING SCHEME

This does not apply:

- If a schedule to this overlay specifies that a Section 173 Agreement is not required.
- Where the relevant fire authority states in writing the preparation of an agreement under Section 173 of the Act is not required for the subdivision.
- For the subdivision of the land into lots each containing an existing dwelling or car parking space.

A permit to subdivide land must include any conditions specified in a schedule to this overlay

Buildings and works

A permit to construct a building or construct or carry out works must include the following condition:

“The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.”

A permit allowing a dwelling to be constructed to the next lower bushfire attack level in accordance with AM1.2 in Clause 53.02-3 must include the following condition:

“Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:

- A dwelling constructed in accordance with planning permit [\*insert planning permit reference] must not be occupied until a private bushfire shelter (a Class 10 building within the meaning of the Building Regulations 2006) is:
  - Constructed on the same land as the dwelling.
  - Available for use by the occupants of the dwelling at all times.
  - Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

A permit to construct a building or construct or carry out works must include any conditions specified in a schedule to this overlay

## 44.06-6

19/09/2017  
VC132

## Referral of applications

An application must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03, unless a schedule to this overlay specifies otherwise.

## 44.06-7

31/07/2018  
VC148

## Notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, unless a schedule to this overlay specifies otherwise.

A schedule to this overlay may specify that notice be given to any person or body in accordance with section 52(1)(c) of the Act.

## 44.06-8

31/07/2018  
VC148

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:

## MORNINGTON PENINSULA PLANNING SCHEME

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any other matters specified in a schedule to this overlay

## 44.06-9

19/09/2017  
VC132

## Transitional arrangements

The requirements of Clause 44.06 Bushfire Management Overlay do not apply to a single dwelling, or a dependent person's unit, when a permit under the Building Act 1993 was issued before the commencement of Amendment GC13, if:

- vegetation is managed to accord with the bushfire attack level assessment undertaken at the time the building permit was issued; and
- a static water supply of:
  - 2500 litres on lots of 500 square metres or less
  - 5000 litres on lots of more than 500 square metres, is provided to the satisfaction of the responsible authority
- no permit was required for such development under Clause 44.06 before the commencement of Amendment GC13.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 1 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as BMO1.

## MORNINGTON PENINSULA BAL-29 AREAS

## 1.0

22/07/2021  
C255morn

Statement of the bushfire management objectives to be achieved

To specify bushfire protection measures to construct or extend a dwelling on a lot.

To specify referral requirements for applications to construct or extend a dwelling on a lot.

## 2.0

22/07/2021  
C255morn

Application

The application to construct or extend a dwelling on a lot must include all the requirements set out in this schedule.

Clause 53.02 applies in all other circumstances.

## 3.0

22/07/2021  
C255morn

Permit requirement

None specified.

## 4.0

22/07/2021  
C255morn

Application requirements

The following application requirements apply to an application for a permit under Clause 44.06:

An application must be accompanied by a bushfire management plan that:

- Shows all of the required bushfire protection measures specified in this schedule,
- Includes written conditions that implement the required bushfire protection measures,
- Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
- Details vehicle access.

## 5.0

22/07/2021  
C255morn

Requirements to be met

The following requirements apply to an application to construct a single dwelling on a lot:

- The dwelling must be constructed to BAL-29
- Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 53.02 with the following variation:
- The canopy of trees must be separated by at least 2 metres.
- A static water supply must be provided in accordance with Clause 53.02, and
- Vehicle access must be provided in accordance with Clause 53.02.

If these requirements are not met, the requirements of Clause 53.02 apply.

## 6.0

22/07/2021  
C255morn

Substitute approved measures for Clause 53.02

None specified.

## 7.0

22/07/2021  
C255morn

Additional alternative measures for Clause 53.02

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

## 8.0

22/07/2021  
C255morn

## Mandatory Condition

An application must include the mandatory conditions as specified in Clause 44.06-4.

## 9.0

22/07/2021  
C255morn

## Referral of application not required

An application for a single dwelling on a lot meeting all of the required bushfire protection measures is not required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

## 10.0

22/07/2021  
C255morn

## Notice and review

None specified.

## 11.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.06, in addition to those specified in Clause 44.06 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- Whether all of the bushfire protection measures in this schedule have been met.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE 2 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as BMO2.

## MORNINGTON PENINSULA BAL-12.5 AREAS

## 1.0

22/07/2021  
C255morn

Statement of the bushfire management objectives to be achieved

To specify bushfire protection measures to construct or extend a dwelling on a lot.

To specify referral requirements for applications to construct or extend a dwelling on a lot.

## 2.0

22/07/2021  
C255morn

Application

The application to construct or extend a dwelling on a lot must include all the requirements set out in this schedule.

Clause 53.02 applies in all other circumstances.

## 3.0

22/07/2021  
C255morn

Permit requirement

None specified.

## 4.0

22/07/2021  
C255morn

Application requirements

The following application requirements apply to an application for a permit under Clause 44.06:

An application must be accompanied by a bushfire management plan that:

- Shows all of the required bushfire protection measures specified in this schedule,
- Includes written conditions that implement the required bushfire protection measures,
- Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
- Details vehicle access.

## 5.0

22/07/2021  
C255morn

Requirements to be met

The following requirements apply to an application to construct a single dwelling on a lot:

- The dwelling must be constructed to BAL-12.5
- Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 53.02 with the following variation:
  - The canopy of trees must be separated by at least 2 metres.
- A static water supply must be provided in accordance with Clause 53.02, and
- Vehicle access must be provided in accordance with Clause 53.02.

If these requirements are not met, the requirements of Clause 53.02 apply.

## 6.0

22/07/2021  
C255morn

Substitute approved measures for Clause 53.02

None specified.

## 7.0

22/07/2021  
C255morn

Additional alternative measures for Clause 53.02

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

## 8.0

22/07/2021  
C255morn

## Mandatory Condition

An application must include the mandatory conditions as specified in Clause 44.06-4.

## 9.0

22/07/2021  
C255morn

## Referral of application not required

An application for a single dwelling on a lot meeting all of the required bushfire protection measures is not required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

## 10.0

22/07/2021  
C255morn

## Notice and review

None specified.

## 11.0

22/07/2021  
C255morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.06, in addition to those specified in Clause 44.06 and elsewhere in the scheme which must be considered, as appropriate by the responsible authority:

- Whether all of the bushfire protection measures in this schedule have been met.

MORNINGTON PENINSULA PLANNING SCHEME

45

19/01/2006  
VC37

OTHER OVERLAYS

## MORNINGTON PENINSULA PLANNING SCHEME

## 45.01

31/07/2018  
VC148

## PUBLIC ACQUISITION OVERLAY

Shown on the planning scheme map as PAO with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify land which is proposed to be acquired by a Minister, public authority or municipal council.

To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

## 45.01-1

14/12/2023  
VC253

## Permit required

A permit is required to:

- Use land for any Section 1 or Section 2 use in the zone.
- Construct a building or construct or carry out works, including:
  - A domestic swimming pool or spa and associated mechanical and safety equipment not associated with one dwelling on a lot.
  - A pergola or veranda including an open-sided pergola or veranda to a dwelling or a small second dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
  - A deck, including a deck to a dwelling or a small second dwelling with a finished floor level not more than 800mm above ground level.
- Damage, demolish or remove a building or works.
- Damage, remove, destroy or lop any vegetation. This does not apply:
  - If the vegetation has been planted for pasture, timber production or any other crop.
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998
  - If the vegetation presents an immediate risk of personal injury or damage to property
- Subdivide land.

This does not apply:

- To the acquiring authority for the land if the land has been acquired and any of the above matters for which a permit is required is consistent with the purpose for which the land was acquired.
- To an authority or a municipal council if the responsible authority, after consulting with the acquiring authority for the land, is satisfied that any of the above matters for which a permit is required is consistent with the purpose for which the land is to be acquired.

## 45.01-2

31/07/2018  
VC148

## Exemption from notice and review

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.



## MORNINGTON PENINSULA PLANNING SCHEME

## 45.01-3

28/10/2013  
VC102

## Referral of applications

An application must be referred under Section 55 of the Act to the acquiring authority for the land.

## 45.01-4

31/07/2018  
VC148

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect of the proposed use or development on the purpose for which the land is to be acquired as specified in the schedule to this overlay.

A permit granted under this clause may be conditional on:

- The extent of alterations and extensions to an existing building and works, and the materials that may be used.
- The location, dimensions, design and material of a new building or works.
- The demolition, removal or alteration of any buildings or works.
- The demolition or removal of buildings or works constructed or carried out in accordance with a permit under this clause.
- No compensation being payable for the demolition or removal of any buildings or works constructed under the permit.

## 45.01-5

19/01/2006  
VC37

## Land not to be spoiled or wasted

Land must not be spoiled or wasted so as to adversely affect the use of the land for the purpose for which it is to be acquired.

## 45.01-6

19/01/2006  
VC37

## Reservation for public purpose

Any land included in a Public Acquisition Overlay is reserved for a public purpose within the meaning of the Planning and Environment Act 1987, the Land Acquisition and Compensation Act 1986 or any other act.

## 45.01-7

28/10/2013  
VC102

## Acquiring authority

An acquiring authority is the Minister, public authority or municipal council specified in the schedule to this overlay as the acquiring authority for the land.

MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

SCHEDULE TO CLAUSE 45.01 PUBLIC ACQUISITION OVERLAY

1.0

22/07/2021  
C255morn

Public acquisition

PS map ref	Acquiring Authority	Purpose of acquisition
PAO1	Roads Corporation	Road construction and widening
PAO2	Mornington Peninsula Shire Council	Municipal purposes
PAO3	Department of Finance	Port purposes and coastal conservation
PAO4	Department of Finance	Port services and access corridor
PAO5	Department of Education, Employment and Training	Primary School
PAO6	Southern and Eastern Integrated Transport Authority	Peninsula Link

## MORNINGTON PENINSULA PLANNING SCHEME

## 45.03

01/07/2021  
VC203

## ENVIRONMENTAL AUDIT OVERLAY

Shown on the planning scheme map as EAO.

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

## Application

This provision applies to land in an Environmental Audit Overlay and applies whether or not a permit is required.

## 45.03-1

04/05/2022  
VC210

## Requirement

Before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:

- A preliminary risk screening assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or
- An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
- A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.

## Exemption from requirement

The requirement for a preliminary risk screening assessment statement, an environmental audit statement, a certificate of environmental audit or a statement of environmental audit in this provision does not apply to the construction or carrying out of buildings and works if:

- The buildings and works are associated with an existing sensitive use, secondary school or children's playground, included in Clause 62.02-1 or 62.02-2, and the soil is not disturbed;
- The buildings and works are required by the Environment Protection Authority or an environmental auditor appointed under the Environment Protection Act 2017 to make the site suitable for use; or
- The buildings and works are reasonably required by an environmental auditor appointed under the Environment Protection Act 2017 or the Environment Protection Act 1970 to undertake a preliminary risk screening assessment or environmental audit.

## MORNINGTON PENINSULA PLANNING SCHEME

## 45.05

31/07/2018  
VC148

## RESTRUCTURE OVERLAY

Shown on the planning scheme map as RO with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify old and inappropriate subdivisions which are to be restructured.

To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

## 45.05-1

01/07/2021  
VC203

## Subdivision

A permit is required to subdivide land.

A subdivision must be in accordance with a restructure plan for the land listed in the schedule to this overlay. This does not apply if the subdivision is for one of the following purposes and no additional lots or subdivision potential is created:

- To realign boundaries between lots that have been consolidated in accordance with the restructure plan.
- To consolidate a restructured lot with a section of closed road or other land not included in a proposed restructured lot.

Each lot must be provided with reticulated sewerage if available. If reticulated sewerage is not available, the application must be accompanied by:

- A Land Capability Assessment which demonstrates that each lot is capable of treating and retaining all wastewater and the risks to human health and the environment of a on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- A plan which indicates the building envelope and effluent disposal area for each lot.

Before deciding on an application to subdivide land into residential lots, the responsible authority must consider Clause 56.

## 45.05-2

19/01/2006  
VC37

## Dwellings and other buildings

A permit is required to construct or extend a dwelling or other building.

A permit must be in accordance with a restructure plan for the land listed in a schedule to this overlay. This does not apply if:

- No restructure plan is listed in the schedule and the permit is required to extend an existing dwelling or other building.
- The land is a lot for which a permit has been granted under Clause 45.05-1.

## 45.05-3

31/07/2018  
VC148

## Exemption from notice and review

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 45.05-4

01/01/2024  
VC250

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.

## MORNINGTON PENINSULA PLANNING SCHEME

- The objectives of the restructuring plan for the area.
- Appropriate measures to cope with any environmental hazard or constraint affecting the land, including slope, drainage, salinity and erosion.
- The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and fauna habitats and the need to revegetate along waterways, gullies, ridge lines and property boundaries.
- The availability of utility services including sewerage, water, drainage, electricity, telecommunications and, where the subdivision is not a residential subdivision, gas.
- The relationship of the intended use and development to the existing or likely use and development of adjoining and nearby land.
- The effect on surrounding uses, especially agricultural uses and nearby public land.
- The design of buildings.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 45.05 RESTRUCTURE OVERLAY

1.0

06/06/2022  
C267morn

## Restructure plan

PS map ref	Land	Title of restructure plan
RO1	Land north of Disney Street, Crib Point and east of South Beach Road, Bittern.	Bittern Crib Point Restructure Plan, April 2013.
RO2	Land adjoining Daly Street and south of Disney Street, Bittern.	Naval Base Estate Restructure Plan, March 2012.
RO3	Land north of Disney Street, Crib Point.	Disney Street Industrial Restructure Plan, April 2004.
RO5	Land adjoining Frankston Flinders Road, Hastings.	Hastings Business 4 Restructure Plan, October 2009.
RO6	Land adjoining Hellicars Road, Merricks.	Hellicars Road Estate Restructure Plan, April 2004.
RO7	Land north of Arthurs Seat Road, Dromana.	Arthurs Seat Restructure Plan, March 2004.
RO8	Land in the vicinity of the Point Nepean National Park, between Browns Road and Krynen Street Rye.	St Andrews Beach Restructure Plan, March 2012.

## MORNINGTON PENINSULA PLANNING SCHEME

45.06

31/07/2018  
VC148

## DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Show on the planning scheme maps as DCPO with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

45.06-1

19/01/2006  
VC37

## Development contributions plan

A permit must not be granted to subdivide land, construct a building or for a constructor to carry out works until a development contributions plan has been incorporated into this scheme.

This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.

A permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

45.06-2

19/01/2006  
VC37

## Preparation of a development contributions plan

The development contributions plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.

The development contributions plan must:

- Specify the area to which the plan applies.
- Set out the works, services and facilities to be funded through the plan, including the staging of the provision of those works, services and facilities.
- Relate the need for the works, services or facilities to the proposed development of land in the area.
- Specify the estimated costs of each of the works, services and facilities.
- Specify the proportion of the total estimated costs of the works, services and facilities which is to be funded by a development infrastructure levy or community infrastructure levy or both.
- Specify the land in the area and the types of development in respect of which a levy is payable and the method for determining the levy payable in respect of any development of land.
- Provide for the procedures for the collection of a development infrastructure levy in respect of any development for which a permit is not required.

The development contributions plan may:

- Exempt certain land or certain types of development from payment of a development infrastructure levy or community infrastructure levy or both.
- Provide for different rates or amounts of levy to be payable in respect of different types of development of land or different parts of the area.

## MORNINGTON PENINSULA PLANNING SCHEME

06/06/2019  
C210morn

## SCHEDULE 1 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme maps as DCPO1.

## CRESWELL STREET EAST DEVELOPMENT CONTRIBUTIONS PLAN

## 1.0

06/06/2019  
C210morn

Area covered by this development contributions plan

Land at Crib Point subject to Amendment C210 to the Mornington Peninsula Planning Scheme and shown on the planning scheme maps as DCPO1.

## 2.0

06/06/2019  
C210morn

## Summary of costs

Facility	Total cost \$	Time of provision	Actual cost contribution attributable to development \$	Proportion of cost attributable to development %
Road and Drainage Infrastructure	\$2,091,053	Consistent with the Creswell Street Development Contributions Plan, April 2018	\$1,463,737	70%
TOTAL	\$2,091,053	-	\$1,463,737	70%

## 3.0

06/06/2019  
C210morn

## Summary of contributions

Facility	Levies payable by the development (\$)					
	Development infrastructure		Community infrastructure		All infrastructure	
	residential	non-residential	residential	non-residential	residential	non-residential
Road and Drainage	\$20,330	\$0	\$0	\$0	\$20,330	\$0
TOTAL	\$20,330	\$0	\$0	\$0	\$20,330	\$0

Note: \$ per equivalent lot frontage (based on the approximate 20.12m frontage)  
All capital costs of infrastructure items are expressed in October 2017 dollars and will be indexed by the Collecting Agency quarterly to take account of inflation in line with the Australian Bureau of Statistics Producer Price Indexes Road and Bridge Construction Index Victoria.

## 4.0

06/06/2019  
C210morn

Land or development excluded from development contributions plan

None specified.

Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.



## MORNINGTON PENINSULA PLANNING SCHEME

45.09

31/07/2018  
VC148

## PARKING OVERLAY

Shown on the planning scheme map as PO with a number

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To facilitate an appropriate provision of car parking spaces in an area.

To identify areas and uses where local car parking rates apply.

To identify areas where financial contributions are to be made for the provision of shared car parking.

45.09-1

19/04/2013  
VC95

## Operation

This overlay operates in conjunction with Clause 52.06.

A schedule to this overlay may:

- Vary the requirements of Clause 52.06 as allowed by this overlay
- Specify additional requirements to the requirements of Clause 52.06 as allowed by this overlay
- Specify requirements for the provision of a financial contribution as a way of meeting the car parking requirements of Clause 52.06 or this overlay

45.09-2

19/04/2013  
VC95

## Parking objectives

A schedule to this overlay must specify the parking objectives to be achieved for the area affected by the schedule.

45.09-3

25/05/2017  
VC133

## Permit requirement

A schedule to this overlay may specify that:

- The exemption from the requirement for a permit in Clause 52.06-3 does not apply. If the exemption does not apply, a permit is required for any of the matters set out in Clause 52.06-3.
- A permit must not be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or this overlay
- A permit must not be granted to provide some or all of the car parking spaces required under Clause 52.06-5 or this overlay on another site.
- A permit must not be granted to provide more than the maximum parking provisions specified in a schedule to this overlay
- A permit is not required under Clause 52.06-3.

45.09-4

19/04/2013  
VC95

## Number of car parking spaces required

A schedule to this overlay may:

- Vary the car parking rate and measure for any use listed in Table 1 of Clause 52.06-5.
- Specify the car parking requirements for any use of land not listed in Table 1 of Clause 52.06-5.
- Specify maximum and minimum car parking requirements for any use of land.
- For any use listed in Table 1 of Clause 52.06-5, apply Column B in the Table to that use.

45.09-5

25/05/2017  
VC133

## Application requirements and decision guidelines for permit applications

Before deciding on an application under Clause 52.06-3, in addition to the relevant decision guidelines in Clause 52.06-7, the responsible authority must consider, as appropriate:

## MORNINGTON PENINSULA PLANNING SCHEME

- The parking objectives of the relevant schedule to this overlay
- Any application requirements and decision guidelines specified in a schedule to this overlay

## 45.09-6

19/04/2013  
VC95

## Financial contribution requirement

A schedule to this overlay may allow a responsible authority to collect a financial contribution in accordance with the schedule as a way of meeting the car parking requirements that apply under this overlay or Clause 52.06.

A schedule must specify:

- The area to which the provisions allowing the collection of financial contributions applies.
- The amount of the contribution that may be collected in lieu of each car parking space that is not provided, including any indexation of that amount.
- When any contribution must be paid.
- The purpose for which the responsible authority must use the funds collected under the schedule. Such purposes must be consistent with the objectives in section 4 of the Act.

## 45.09-7

25/05/2017  
VC133

## Requirements for a car parking plan

A schedule to this overlay may specify additional matters that must be shown on plans prepared under Clause 52.06-8.

## 45.09-8

25/05/2017  
VC133

## Design standards for car parking

A schedule to this overlay may specify:

- Additional design standards.
- Other requirements for the design and management of car parking.

Plans prepared in accordance with Clause 52.06-8 must meet any design standards and requirements specified in a schedule to this overlay

## 45.09-9

25/05/2017  
VC133

## Decision guidelines for car parking plans

Before deciding whether a plan prepared under Clause 52.06-8 is satisfactory in addition to the decision guidelines in Clause 52.06-10, the responsible authority must consider, as appropriate, any other matters specified in a schedule to this overlay

## MORNINGTON PENINSULA PLANNING SCHEME

24/02/2022  
C281morn

## SCHEDULE 1 TO CLAUSE 45.09 PARKING OVERLAY

Shown on the planning scheme map as PO1.

## HASTINGS, MORNINGTON AND ROSEBUD MAJOR ACTIVITY CENTRES

## 1.0

24/02/2022  
C281morn

## Parking objectives to be achieved

- To support the long term visions for the Hastings, Mornington and Rosebud Major Activity Centres as a thriving commercial hub that services the surrounding region.
- To provide appropriate levels of car parking to support the vibrancy of each of the Activity Centres.
- To ensure that car parking resources within each of the Activity Centres are efficiently and effectively managed as a finite resource.
- To support car parking being provided according to user needs.

## 2.0

24/02/2022  
C281morn

## Permit requirement

None specified.

## 3.0

24/02/2022  
C281morn

## Number of car parking spaces required

If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

Table: Car parking spaces

Use	Rate	Measure
Dwelling	1	To each one or two bedroom dwelling, plus
	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom) plus
	1	For visitors to every 5 dwellings for developments of 5 or more dwellings

For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B of Table 1 in Clause 52.06-5 applies.

## 4.0

24/02/2022  
C281morn

## Application requirements and decision guidelines for permit applications

None specified.

## 5.0

24/02/2022  
C281morn

## Financial contribution requirement

None specified.

## 6.0

24/02/2022  
C281morn

## Requirements for a car parking plan

None specified.

## 7.0

24/02/2022  
C281morn

## Design standards for car parking

None specified.

## 8.0

24/02/2022  
C281morn

## Decision guidelines for car parking plans

None specified.

## MORNINGTON PENINSULA PLANNING SCHEME

### 9.0

24/02/2022  
C281morn

#### Background?document

- MorningtonPeninsulaMajor ActivityCentres:HastingsMajor ActivityCentreParkingPrecinct Plan (GTA Consultantsnow Stantec2021)
- MorningtonPeninsulaMajor ActivityCentres: MorningtonMajor Activity Centre Parking PrecinctPlan (GTA Consultantsnow Stantec2021)
- MorningtonPeninsulaMajor ActivityCentres:RosebudMajor ActivityCentreParkingPrecinct Plan (GTA Consultantsnow Stantec2021)

## MORNINGTON PENINSULA PLANNING SCHEME

## 45.12

04/05/2022  
VC210

## SPECIFIC CONTROLS OVERLAY

Shown on the planning scheme map as SCO with a number

## Purpose

To apply specific controls designed to achieve a particular land use and development but come in extraordinary circumstances.

## 45.12-1

31/07/2018  
VC148

## Use or development

Land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to this overlay). The specific control may:

- Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted.
- Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply.
- Exclude any other control in this scheme.

## 45.12-2

31/07/2018  
VC148

## Expiry of a specific control

If a specific control contained in an incorporated document identified in the schedule to this clause allows a particular use or development, that control will expire if any of the following circumstances applies:

- The use and development is not started within two years of the approval date of the incorporated document or another date specified in the incorporated document.
- The development is not completed within one year of the date of commencement of works or another date specified in the incorporated document.

The responsible authority may extend the periods referred to if a request is made in writing before the expiry date or within three months afterwards.

Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of this scheme.

## MORNINGTON PENINSULA PLANNING SCHEME

29/11/2019  
GC127

## SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

1.0

24/03/2023  
C297morn

## Specific controls

PS Map Ref	Name of incorporated document
SCO1	Moorooduc Coolstore, August 2015
SCO2	Trig Point Subdivision, April 1999
SCO3	The National Golf Course and Cape Schanck Resort Development, November 2020
SCO4	Mt Eliza Centre Subdivision, April 1999
SCO5	Mornington Homemaker Centre, April 1999
SCO6	Inghams Somerville Redevelopment Incorporated Document, February 2010
SCO8	Golf Links Road and Grant Road (PeninsulaLink to Frankston-FlindersRoad) Upgrade Project Incorporated Document, November 2019
SCO10	79 Bungower Road, Somerville, September 2021
SCO11	Hastings Energy Generation Facility Incorporated Document, February 2023

MORNINGTON PENINSULA PLANNING SCHEME

50

19/01/2006  
VC37

PARTICULAR PROVISIONS

This section sets out Particular Provisions which apply to the matters specified.

MORNINGTON PENINSULA PLANNING SCHEME

51

31/07/2018  
VC148

PROVISIONS THAT APPLY ONLY TO A SPECIFIED AREA



## MORNINGTON PENINSULA PLANNING SCHEME

## 51.01

31/07/2018  
VC148

## SPECIFIC SITES AND EXCLUSIONS

## Purpose

To recognise specific controls designed to achieve a particular land use and development outcome existing on the approval date.

To provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.

## 51.01-1

31/07/2018  
VC148

## Use or development

Land identified in the schedule to this clause may be used or developed in accordance with the specific controls contained in the incorporated document corresponding to that land. The specific controls may:

- allow the land to be used or developed in a manner that would otherwise be prohibited or restricted;
- prohibit or restrict the use or development of the land beyond the control that may otherwise apply;
- exclude any other control in this scheme.

## 51.01-2

31/07/2018  
VC148

## Expiry of a specific control

If a specific control contained in an incorporated document identified in the schedule to this clause allows a particular use or development, that control will expire if any of the following circumstances applies:

- The development and use is not started within two years of the approval date or another date specified in the incorporated document.
- The development is not completed within one year of the date of commencement of works or another date specified in the incorporated document.

The responsible authority may extend the periods referred to if a request is made in writing before the expiry date or within three months afterwards.

Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of this scheme.

## MORNINGTON PENINSULA PLANNING SCHEME

08/11/2018  
C250

## SCHEDULE TO CLAUSE 51.01 SPECIFIC SITES AND EXCLUSIONS

## 1.0

06/06/2022  
C267morn

## Specific sites and exclusions

Address of land	Title of incorporated document
Frankston Flinders Road Hastings.	Kinfauns Development Plan, April 2004.
Land on the McCrae foreshore, McCrae.	Conditions for Use and Development of a Patrol Base and associated works for the Rosebud & District Life Saving Club, July 2001.
Peninsula Link between Golf Links Road, Frankston South and Tuerong Road, Mt Martha and part 129A Moorooduc Highway, Baxter.	Peninsula Link Project, Incorporated Document, July 2009 (amended June 2011 and February 2014).
The following land: Part of 61 Shands Rd, Shoreham as more fully described in the Incorporated Document. 188 Cape Schanck Rd, Cape Schanck, being Crown Allotment 2010, Certificate of Title Vol. 8397, Fol. 952. 23 Fingal Rd, Cape Schanck being Crown Allotment 2014. 25 Fingal Rd, Cape Schanck being Crown Allotment 2012. Reserve No. 1, Parish of Kangerong on PS 711847Y also known as 520A Arthurs Seat Road, Red Hill.	Subdivision prohibition in the Public Conservation and Resource Zone outside the Urban Growth Boundary, April 2014.
Land located to the north west corner of Bayview Road and Long Island Drive, Hastings	Hydrogen Liquefaction and Loading Terminal – Pilot Project Hastings, July 2018.
Sorrento Ferry Terminal: 10 Esplanade, Sorrento 12 Esplanade, Sorrento 14 Esplanade, Sorrento Part 3154 Point Nepean Road, Sorrento Part 3176 Point Nepean Road, Sorrento Part 3300 Point Nepean Road, Sorrento	Searoad Ferries - Sorrento Terminal Building and Associated Uses and Works Incorporated Document, October 2017.

## MORNINGTON PENINSULA PLANNING SCHEME

## 51.02

31/07/2018  
VC148

## METROPOLITAN GREEN WEDGE LAND: CORE PLANNING PROVISIONS

## Purpose

To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage conservation landscape or natural resource or recreation values.

To protect productive agricultural land from incompatible uses and development.

To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.

To encourage the location of urban activities in urban areas.

To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.

To provide deeming provisions for metropolitan green wedge land.

## 51.02-1

20/01/2022  
VC205

## Application

These provisions apply to land in Metropolitan Melbourne that is outside an Urban Growth Boundary as shown on a planning scheme map in this scheme unless any of the following apply:

- The land is in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Low Density Residential Zone, Mixed Use Zone, Township Zone, Industrial 1 Zone, Industrial 2 Zone, Industrial 3 Zone, Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone, Public Use Zone, Public Park and Recreation Zone, Public Conservation and Resource Zone, Transport Zone or Urban Floodway Zone.
- The land is identified in the schedule to this clause.

## 51.02-2

01/01/2024  
VC250

## Use of land

A use listed in the table to this clause is prohibited. This does not apply if a condition opposite the use is met.

Table to Clause 51.02-2

Use	Condition
Accommodation (other than Camping and caravan park, Dwelling, Group accommodation, Host farm, Residential building and Small second dwelling)	
Cinema based entertainment facility	
Display home centre	
Dwelling	Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.
Education centre (other than Primary school and Secondary school)	
Freeway service centre	

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Freezing and cool storage	The goods stored must be agricultural produce, or products used in agriculture.
Function centre	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.  No more than 150 patrons may be present at any time. If used in conjunction with Restaurant, the total number of patrons present at any time must not exceed 150.
Funeral parlour	
Group accommodation	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.  Must be no more than 40 dwellings.
Hospital	
Indoor recreation facility	Must be for equestrian based leisure, recreation or sport.
Industry (other than Materials recycling, Refuse disposal, Transfer station, Research and development centre, and Rural industry)	
Major sports and recreation facility	Must be for outdoor leisure, recreation or sport.
Manufacturing sales	Must be an incidental part of Rural industry.
Materials recycling	Must be used in conjunction with Refuse disposal or Transfer station.
Motor racing track	
Nightclub	
Office	
Place of assembly (other than Carnival, Cinema based entertainment facility, Circus, Exhibition centre, Function centre, Hall, Nightclub, Place of worship and Restricted place of assembly)	Must not be used for more than 10 days in a calendar year.
Research and development centre	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.
Research centre	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Residential building (other than Residential hotel)	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>Must be used to provide accommodation for persons away from their normal place of residence.</p>
Residential hotel	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>Must be no more than 80 bedrooms.</p>
Restaurant	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>No more than 150 patrons may be present at any time. If used in conjunction with Function centre, the total number of patrons present at any time must not exceed 150.</p>
Restricted place of assembly	Must not be used for more than 30 days in a calendar year.
Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales and Restaurant)	
Service station	
Small second dwelling	<p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p>
Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot and Vehicle store)	
Wind energy facility	Must not be on land in a Rural Conservation Zone.

## 51.02-3

31/07/2018  
VC148

## Subdivision

The subdivision of land to create a lot that is smaller in area than the minimum area specified for the land in the zone is prohibited unless:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

## MORNINGTON PENINSULA PLANNING SCHEME

## 51.02-4

31/07/2018  
VC148

## Existing uses

If an existing user right is established by these provisions, Clauses 63.05 and 63.08 apply to the use as if the use were in Section 3 of a zone.

## 51.02-5

31/07/2018  
VC148

## Transitional arrangements for permit applications

The requirements of the planning scheme as in force immediately before 19 May 2004, continue to apply to a permit application made before that date to the extent that, but for this clause, Clauses 35.04, 35.05, 35.06 or this clause would apply to such an application. This does not apply to a permit application to subdivide land.

## 51.02-6

31/07/2018  
VC148

## Deeming provisions for land outside an urban growth boundary

Any reference in this planning scheme to a Rural Zone or a schedule to a Rural Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Green Wedge Zone or a schedule to a Green Wedge Zone.

Any reference in this planning scheme to a Rural Living Zone or a schedule to a Rural Living Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Green Wedge A Zone or a schedule to a Green Wedge A Zone.

Any reference in this planning scheme to an Environmental Rural Zone or a schedule to an Environmental Rural Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Rural Conservation Zone or a schedule to a Rural Conservation Zone.

MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

SCHEDULE TO CLAUSE 51.02 METROPOLITAN GREEN WEDGE LAND: CORE PLANNING PROVISIONS

1.0  
06/09/2023  
C270morn

Land where core planning provisions do not apply

Land
Special Use Zone 2, Monash/Mt Eliza Business School, Kunyung Road, Mt Eliza
Comprehensive Development Zone, Schedule 1, Moonah Links Comprehensive Development Plan, south east corner of Browns Road and Devonport Drive, Rye (Lot 2 PS 337058N, Lot 1 PS 68481 and Crown Allotment 32, Section A, Parish of Wannaeue)
Special Use Zone 7, Flinders Christian Community College, 81 Boes Road, Tyabb

MORNINGTON PENINSULA PLANNING SCHEME

52

31/07/2018  
VC148

PROVISIONS THAT REQUIRE, ENABLE OR EXEMPT A PERMIT



## MORNINGTON PENINSULA PLANNING SCHEME

## 52.01

05/11/2020  
VC191

## COMBUSTIBLE CLADDING RECTIFICATION EXEMPTIONS

## Purpose

To facilitate the rectification of combustible cladding on buildings.

## 52.01-1

05/11/2020  
VC191

## Permit exemption

Any requirement of this planning scheme to obtain a permit does not apply to the rectification of combustible cladding on a building:

- In accordance with an emergency order, building notice or building order made under Part 8 of the Building Act 1993
- Owned by the Crown, a Minister, municipal council or public authority, including a public authority established for a public purpose under a Commonwealth Act.

## 52.01-2

05/11/2020  
VC191

## Exemption from notice and review

An application to amend a permit to allow the rectification of combustible cladding on a building:

- In accordance with an emergency order, building notice or building order made under Part 8 of the Building Act 1993, or
- Owned by the Crown, a Minister, municipal council or public authority, including a public authority established for a public purpose under a Commonwealth Act,

is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

52.02

20/09/2010  
VC71

## EASEMENTS, RESTRICTIONS AND RESERVES

## Purpose

To enable the removal and variation of an easement or restriction to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

## Permit requirement

A permit is required before a person proceeds:

- Under Section 23 of the Subdivision Act 1988 to create a right or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.
- Under Section 24A of the Subdivision Act 1988
- Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way.

This does not apply:

- If the action is required or authorised by the schedule to this clause.
- In the circumstances set out in Section 6A(3) of the Planning and Environment Act 1987.
- If the person proceeds under Section 362A of the Land Act 1958
- In the case of a person proceeding under Section 36 of the Subdivision Act 1988 if the council or a referral authority gives a written statement in accordance with Section 36(1)(a) or (b) of the Subdivision Act 1988

In this clause, restriction has the same meaning as in the Subdivision Act 1988

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.

Note: Section 23 of the Subdivision Act 1988 provides that either the council or the person benefiting from the direction must lodge a certified plan at the Titles Office for registration.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES

## 1.0

06/06/2022  
C267morn

## Under Section 23 of the Subdivision Act 1988

Land	Easement or restriction	Requirement
<p>Land shown on, or derived from, Lodged Plan Number 10716, 10717 or 10718 (as amended), such plans being derived from Certificate of Title Volume 2509 Folio 715.</p> <p>The land is known as the Ranelagh Estate, Mount Eliza.</p>	<p>Any covenant created by an Instrument of Transfer of a lot on lodged plan numbered 10716, 10717 or 10718 (as amended) containing the words "that no building shall be commenced to be erected or reconstructed upon the said land hereby transferred without first obtaining the consent and approval in writing of John Edmund Taylor of corner of Lorimer and Johnson Streets South Melbourne Timber Merchant to the plans sections and specifications thereof and" or other words to a similar effect.</p>	<p>The covenant is varied to the extent of the removal of the words "that no building shall be commenced to be erected or reconstructed upon the said land hereby transferred without first obtaining the consent and approval in writing of John Edmund Taylor of corner of Lorimer and Johnson Streets South Melbourne Timber Merchant to the plans sections and specifications thereof and" or other words to a similar effect.</p>
<p>16, 18, 20, 22 and 24 Leyden Avenue, Portsea, being the land contained in Certificates of Title</p> <p>(16 Leyden Avenue) Lot 1 PS. 052729 Vol. 08583 Fol. 688</p> <p>(18 Leyden Avenue) Lot 2 PS. 052729 Vol. 08417 Fol. 425</p> <p>(20 Leyden Avenue) Lot 3 PS. 052729 Vol. 08583 Fol. 689</p> <p>(22 Leyden Avenue) Lot 4 PS. 052729 Vol. 08583 Fol. 689</p> <p>(24 Leyden Avenue) Lot 5 PS. 052729 Vol. 08344 Fol. 381</p>	<p>The covenants contained in Instruments of Transfer no. 2297215, 2319752 and 2370984.</p>	<p>Vary the covenants to the following extent.</p> <p>Following the words:</p> <p>"that she or they will not at any time hereafter build, construct, erect or cause to be built, constructed or erected on the said lot any building other than one private dwelling house with outhouses and garage and such dwelling house with outhouses and garage will cost not less than One thousand pounds",</p> <p>Insert (in respect of the land at 16, 18 and 24 Leyden Avenue):</p> <p>"Except that nothing herein shall prevent the use and development of the land contained in Certificate of Title Volume 08583 Folio 688, being Lot 1 on Plan of Subdivision 052729, Certificate of Title Volume 08417 Folio 425, being Lot 2 on Plan of Subdivision 052729, Certificate of Title Volume 08344 Folio 381, being Lot 5 on Plan of Subdivision 052729, each for one dwelling and usual outbuildings",</p> <p>And insert (in respect of the land at 20-22 Leyden Avenue):</p> <p>"And except that nothing herein shall prevent the use and development of the land contained in Certificate of Title Volume 08583 Folio 689, being Lots 3 and 4 on Plan of Subdivision 052729, for the purpose of four single storey dwellings, tennis court, swimming pool and outbuildings, in accordance with a planning permit issued by Mornington Peninsula Shire Council in Application No. CP02/004".</p>
<p>Lots 208 and 209 on Plan of Subdivision 021011, Vol 08103 Fol 546 (13-15 Bowen Street, McCrae)</p>	<p>Restrictive covenant contained in Instrument of Transfer No. 2303799.</p>	<p>Vary the restrictive covenant to allow for the construction of a dwelling on each lot.</p> <p>The covenant is varied by the removal of the following text:</p>

## MORNINGTON PENINSULA PLANNING SCHEME

Land	Easement or restriction	Requirement
		"That he will not erect or cause to be erected or allow to be erected on lots 208 and 209 on the said plan of subdivision more than one dwelling house and"

## 2.0

22/07/2021  
C255morn

## Under Section 24A of the Subdivision Act 1988

Land	Person	Action
None specified.		

## 3.0

06/06/2022  
C267morn

## Under Section 36 of the Subdivision Act 1988

Land	Easement or right of way	Requirement
None specified		

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.03

31/01/2020  
VC170

## LEVEL CROSSING REMOVAL PROJECT

## Purpose

To facilitate the Level Crossing Removal Project.

## 52.03-1

31/01/2020  
VC170

## Application

This clause applies to the use and development of land (other than the subdivision of land) for projects undertaken by the Level Crossing Removal Project and declared under section 10(1)(b) of the Major Transport Projects Facilitation Act 2009.

This clause does not apply to a project for which a document has been incorporated into this planning scheme expressly for that project.

## 52.03-2

31/01/2020  
VC170

## Exemption from planning scheme requirements

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any use or development if this Clause 52.03 applies to the requirements of Clause 52.03 are met.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

## 52.03-3

20/01/2022  
VC205

## Use and development requirements

The use and development of land must be undertaken in accordance with the plans and documents approved under this clause to the satisfaction of the Minister for Planning.

The construction of a building or the construction or carrying out of works in a Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Urban Floodway Zone must be undertaken to the satisfaction of the relevant floodplain management authority.

The creation or alteration of access to a road in a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of acquisition is for a road, must be undertaken to the satisfaction of the Head, Transport for Victoria.

The use and development of land in a Public Acquisition Overlay must be undertaken to the satisfaction of the relevant acquiring authority.

## 52.03-4

31/01/2020  
VC170

## Consultation requirement

Prior to the commencement of the use or development:

- Public consultation and consultation with the relevant municipal council, must be undertaken to the satisfaction of the Minister for Planning.
- A report that summarises the feedback provided during consultation and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

## 52.03-5

31/01/2020  
VC170

## Project boundary requirement

Prior to the commencement of the use or development a plan that shows the boundary of the land on which the use or development will be undertaken must be prepared to the satisfaction of the Minister for Planning.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.03-6

04/05/2022  
VC210

## Other pre-commencement requirements

The following requirements may be satisfied for separate components or stages of a project but each requirement must be satisfied prior to the commencement of the use or development for that component or stage.

The following requirements may be varied or waived by the Minister for Planning.

Prior to the commencement of the use or development (other than a preparatory use or development), the following plans and documents must be prepared to the satisfaction of the Minister for Planning:

- An environmental management framework prepared in consultation with each relevant municipal council, that includes:
  - A summary of key construction methodologies.
  - An overarching framework of measures to reduce and manage environmental and amenity effects during construction.
  - A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects are reduced and managed during construction.
  - A summary of how each relevant municipal council, the community and other stakeholders will be engaged during construction including enquiries and complaints management.

The environmental management framework must be accompanied by a summary of the consultation with each relevant municipal council that informed the preparation of the environmental management framework.

- If the land is in the Heritage Overlay and the development would require a permit under the overlay were it not for the exemption in Clause 52.03-2:
  - A report that addresses the impact of that development on the heritage significance of the heritage place.
  - Site plans and elevations showing the extent of that development on the land.
  - Photographs of any buildings or works to be demolished or removed including photographs of the exterior and interior of the building and contextual images of the building's environs and setting.
- If the land is in an Environmental Significance Overlay, a Significant Landscape Overlay or a Vegetation Protection Overlay and the development would require a permit under the overlay were it not for the exemption in Clause 52.03-2, a report that addresses the impact of the development on any environmental, vegetation or landscape significance or objectives specified in a schedule to the overlay
- Any other information the Minister for Planning considers necessary to assist the Minister's assessment of the plans and documents required to be submitted under this clause.

Prior to the commencement of the use of any new open space an environmental assessment (or similar) that demonstrates that the environmental conditions of the land are suitable for that use must be undertaken to the satisfaction of the Minister for Planning.

## 52.03-7

20/03/2023  
VC229

## Native vegetation requirements

In this clause:

- Guidelines means the Guidelines for removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, December 2017);
- Secretary means the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation Forests and Lands Act 1987)

## MORNINGTON PENINSULA PLANNING SCHEME

The following requirements may be satisfied for separate components or stages of a project. However, each requirement must be satisfied prior to the removal, destruction or lopping of native vegetation for that component or stage.

Prior to the removal, destruction or lopping of native vegetation to enable a preparatory use or development, information about that native vegetation must be submitted to the Secretary. The information must include a description of, and a map showing, the native vegetation to be removed, destroyed or lopped in accordance with application requirement 1 in Table 4 of the Guidelines.

Prior to the removal, destruction or lopping of native vegetation (other than to enable a preparatory use or development):

- Information about that native vegetation in accordance with application requirements 1, 5 and 9 in Table 4 of the Guidelines must be provided to the satisfaction of the Secretary. The information provided to the Secretary must include information about any native vegetation that has been or is to be removed, destroyed or lopped to enable a preparatory use or development.
- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the Guidelines. The biodiversity impacts from the removal, destruction or lopping of native vegetation to enable a preparatory use or development must be included in the total biodiversity impacts when determining the offset.
- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.

The Secretary may vary the timing of the above offset requirement if the Secretary considers there are exceptional circumstances to warrant the variation.

The secured offset for the project may be reconciled at the completion of a project in accordance with the Assessor's handbook – Applications to remove, destroy or lop native vegetation (Department of Environment, Land, Water and Planning, October 2018).

## 52.03-8

31/01/2020  
VC170

## Preparatory use and development

For the purposes of Clause 52.03, a preparatory use or development is a use or development required to prepare for the construction of a project. It is limited to the following:

- Use and development that would not require a permit under a provision of this planning scheme were it not for the exemption in Clause 52.03-2.
- Works associated with investigating, testing and surveying land.
- Creation and use of construction access points, accessways and working platforms.
- Site establishment works including construction of temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
- Construction and use of temporary car parking.
- Construction or installation of environmental and traffic controls.
- Construction protection, modification, removal or relocation of utility services, rail signalling, and overhead and associated infrastructure.
- Salvage and relocation of cultural heritage material and other management actions required to be undertaken in compliance with:
  - a cultural heritage management plan approved under the Aboriginal Heritage Act 2006 or otherwise in compliance with that Act; or
  - the conditions of any permit or consent granted under the Heritage Act 2017 or otherwise in compliance with that Act.

## MORNINGTON PENINSULA PLANNING SCHEME

- Demolition or removal of a building (other than a building in a Heritage Overlay) or works to the minimum extent necessary to enable another preparatory use or development.
- Removal, destruction or lopping of vegetation (other than a tree in the Heritage Overlay specified below) to the minimum extent necessary to enable another preparatory use or development.

For the purposes of Clause 52.03, preparatory development does not include:

- Demolition or removal of a building in a Heritage Overlay
- Removal, destruction or lopping of a tree in a Heritage Overlay if the schedule to the overlay specifies the heritage place as one where tree controls apply.



## MORNINGTON PENINSULA PLANNING SCHEME

## 52.04

14/12/2023  
VC253

## TRANSITIONAL PROVISIONS FOR A DEPENDENT PERSONS UNIT

## 52.04-1

28/03/2024  
VC259

## Purpose

To provide transitional provisions for the use or development of land for a dependent person's unit.

## 52.04-2

28/03/2024  
VC259

## Application

This clause applies to the use and development of land for a dependent person's unit.

For the purposes of clause 52.04 and any reference to a dependent person's unit in this planning scheme a dependent person's unit means:

A movable building on the same lot as an existing dwelling and used to provide accommodation for a person dependent on a resident of the existing dwelling.

## 52.04-3

28/03/2024  
VC259

## Exemption from planning scheme requirements

Any requirement of this planning scheme to obtain a permit for the use of land or the construction or carrying out of buildings and works, or any provision of this planning scheme that prohibits the use of land or the construction or carrying out of buildings and works, requires the use of land or the construction or carrying out of buildings and works to be carried out in a particular manner or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to a dependent person's unit, if the requirements of clause 52.04 are met.

The requirements of clause 52.04 are met if any of the following apply:

- No permit is required under this clause and any requirement or condition of this clause is met.
- A permit is required under this clause and a permit has been issued.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

## 52.04-4

28/03/2024  
VC259

## Operation of use of land requirements

The following requirements apply to the use of land for a dependent person's unit, as specified in clause 52.04-5.

## Table 1 zones

The use of land for a dependent person's unit in a zone listed in Table 1 does not require a permit. Any condition opposite the zone listed in Table 1 must be met. If the condition is not met, the use of land for a dependent person's unit requires a permit under this clause unless the zone is specifically included in Table 3 as a zone that does not meet the Table 1 condition.

## Table 2 zones

The use of land for a dependent person's unit in a zone listed in Table 3 requires a permit under this clause. Any condition opposite the zone must be met. If the condition is not met, the use of land for a dependent person's unit is prohibited.

## Table 3 zones

The use of land for a dependent person's unit in a zone listed in Table 3 is prohibited.

## MORNINGTON PENINSULA PLANNING SCHEME

52.04-5

28/03/2024  
VC259

## Use of land requirements

Table 1 - Permit not required

Zone	Condition
Low Density Residential Zone	Must be the only dependent person's unit on the lot.
Township Zone	Must meet the requirements of clause 52.04-7.
Mixed Use Zone	Must be the only dependent person's unit on the lot.
Residential Growth Zone	
General Residential Zone	
Neighbourhood Residential Zone	
Rural Living Zone	Must be the only dependent person's unit on the lot.
Rural Activity Zone	Must meet the requirements of clause 52.04-8.  Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
Farming Zone	Must be the only dependent person's unit on the lot. Must meet the requirements of clause 52.04-8. Must be located more than one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> <li>▪ A permit for a wind energy facility; or</li> <li>▪ An application for a permit for a wind energy facility; or</li> <li>▪ An incorporated document approving a wind energy facility; or</li> <li>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul> Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
Commercial 1 Zone	Any frontage at ground floor level must not exceed 2 metres
Public Use Zone	The use must be for the purpose described in the table to clause 36.01-6 which corresponds to the notation on the planning scheme map.  The use must be carried out by or on behalf of the public land manager.
Public Park and Recreation Zone	Must be either of the following:

## MORNINGTON PENINSULA PLANNING SCHEME

Zone	Condition
	<ul style="list-style-type: none"> <li>A use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995, or the Crown Land (Reserves) Act 1978.</li> <li>A use specified in an Incorporated plan in a schedule to clause 36.02.</li> </ul>
Public Conservation and Resource Zone	Must be a use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995 or the Crown Land (Reserves) Act 1978.
Urban Growth Zone	<p>Must be the only dependent person's unit on the lot.</p> <p>Must meet the requirements of clause 52.04-8.</p>

Table 2 - Permit required

Zone	Condition
Low Density Residential Zone	Must meet the requirements of clause 52.04-7.
Township Zone	
Green Wedge Zone	Must be the only dependent person's unit on the lot.
Green Wedge A Zone	Must meet the requirements of clause 52.04-8.
Rural Conservation Zone	
Rural Living Zone	Must meet the requirements of clause 52.04-8.
Farming Zone	
Rural Activity Zone	
Transport Zone	The use must be for a transport purpose and carried out by or on behalf of a relevant transport manager.
Urban Growth Zone	Must meet the requirements of clause 52.04-8.

## MORNINGTON PENINSULA PLANNING SCHEME

Table 3 - Prohibited

Zone	
Industrial 1 Zone	
Industrial 2 Zone	
Industrial 3 Zone	
Commercial 2 Zone	
Commercial 3 Zone	
Port Zone	
Public Conservation and Resource Zone – If the table 1 condition is not met	
Urban Floodway Zone	
<p>52.04-6 28/03/2024 VC259</p>	<p>Use of land requirements in a specified special purpose zone</p> <p>If land is in a Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone, the permit requirement in that zone for use of land applies as specified in the schedule to the zone.</p> <p>If dependent person's unit is not specified in a schedule to the zone, the use of land for a dependent person's unit is subject to the use of land requirements for 'Accommodation'.</p>
<p>52.04-7 28/03/2024 VC259</p>	<p>Use of land requirements in a Low Density Residential Zone and a Township Zone</p> <p>A lot used for a dependent person's unit in a Low Density Residential Zone and a Township Zone must meet the following requirements:</p> <ul style="list-style-type: none"> <li>Each dependent person's unit must be connected to reticulated sewerage if available. If reticulated sewerage is not available, all wastewater from each dependent person's unit must be treated and retained within the lot in accordance with the requirements in the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.</li> <li>Each dependent person's unit must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity</li> <li>Each dependent person's unit must be connected to a reticulated electricity supply or have an alternative energy supply</li> </ul>
<p>52.04-8 28/03/2024 VC259</p>	<p>Use of land requirements in a rural zone and an Urban Growth Zone</p> <p>A lot used for a dependent person's unit in a Rural Living Zone, Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone, Farming Zone, Rural Activity Zone and Urban Growth Zone must meet the following requirements:</p> <ul style="list-style-type: none"> <li>Access to the dependent person's unit must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.</li> <li>Each dependent person's unit must be connected to reticulated sewerage if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

- The dependent person's unit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dependent person's unit must be connected to a reticulated electricity supply or have an alternative energy source.

## 52.04-9

28/03/2024  
VC259

## Use of land requirements in an Airport Environs Overlay and Melbourne Airport Environs Overlay

A permit is required under this clause to use land in an Airport Environs Overlay or a Melbourne Airport Environs Overlay for a dependent person's unit.

Land in an Airport Environs Overlay or a Melbourne Airport Environs Overlay must not be used for:

- More than one dependent person's unit.
- A dependent person's unit if there is an existing small second dwelling on the lot.
- A dependent person's unit if the size of the lot is less than 600 square metres.

## 52.04-10

28/03/2024  
VC259

## Buildings and works requirements in a specified overlay

A permit is required under the following overlays to construct a building or construct or carry out works for a dependent person's unit:

- Erosion Management Overlay if a schedule to the overlay specifies a permit is required for buildings and works specified in clause 62.02-2.
- Floodway Overlay if a schedule to the overlay specifies a permit is required for a dependent person's unit.
- Land Subject to Inundation Overlay if a schedule to the overlay specifies a permit is required for a dependent person's unit.
- Special Building Overlay if a schedule to the overlay specifies a permit is required for a dependent person's unit.
- Bushfire Management Overlay This does not apply to an alteration or extension to an existing building used for a dependent person's unit that is less than 50 percent of the gross floor area of the existing building.

An application under a Bushfire Management Overlay must meet the requirements of clause 53.02-4, unless the application meets all of the requirements specified in a schedule to clause 44.06.

Any other requirement for a dependent person's unit specified in a schedule to an overlay applies.

## 52.04-11

28/03/2024  
VC259

## Decision guidelines

Before deciding on an application for a permit under clauses 52.04-5, 52.04-6, 52.04-9 or 52.04-10 the responsible authority must consider the decision guidelines of clause 65, including the decision guidelines of the zone or overlay as appropriate.

## 52.04-12

28/03/2024  
VC259

## Expiry

The requirements of this clause do not have effect after 28 March 2025.

The requirements of the planning scheme that applied to the use or development of land (other than subdivision) for a dependent person's unit before the approval date of Amendment VC253 continue to apply:

## MORNINGTON PENINSULA PLANNING SCHEME

- To a planning permit application for the use or development of land (other than subdivision) for a dependent person's unit lodged before the approval date of Amendment VC253.
- Where a planning permit was not required for the use or development of land (other than subdivision) for a dependent person's unit before the approval date of Amendment VC253 if one of the following applies:
  - A building permit was issued for the development of land (other than subdivision) for a dependent person's unit before the approval date of Amendment VC253.
  - A building surveyor has been appointed to issue a building permit for the development of land (other than subdivision) for a dependent person's unit before the approval date of Amendment VC253. A building permit must be issued within 3 months of the approval date of Amendment VC253.
  - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the dependent person's unit before the approval date of Amendment VC253. A building permit must be issued within 3 months of the approval date of Amendment VC253.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.05

31/07/2018  
VC148

## SIGNS

## Purpose

To regulate the development of land for signs and associated structures.

To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character

To ensure signs do not contribute to excessive visual clutter or visual disorder

To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

## 52.05-1

31/07/2018  
VC148

## Application

This clause applies to the development of land for signs.

## 52.05-2

31/07/2018  
VC148

## Requirements

## Sign categories

Clauses 52.05-11 to 52.05-14 specify categories of sign control. The zone provisions specify which category of sign control applies to the zone.

Each category is divided into three sections.

If a sign can be interpreted in more than one way, the most restrictive requirement must be met.

## Section 1

A sign in Section 1 of the category may be constructed or put up for display without a permit, but all the conditions opposite the sign must be met. If the conditions are not met, the sign is in Section 2.

Some overlays require a permit for Section 1 signs.

## Section 2

A permit is required to construct or put up for display a sign in Section 2.

This does not apply to a sign specified in Clause 52.05-10.

All the conditions opposite the sign must be met. If the conditions are not met, the sign is prohibited.

## Section 3

A sign in Section 3 is prohibited and must not be constructed or put up for display

## VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provisions specified in Column 2.

## Class of application

Information requirements  
and decision guidelines

Construct or put up for display a sign in an industrial zone, commercial zone, Special Use Zone, Comprehensive Development Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone if:

- The sign is not within 30 metres of land (not a road) which is in a residential zone.

## MORNINGTON PENINSULA PLANNING SCHEME

	Class of application	Information requirements and decision guidelines
	<ul style="list-style-type: none"> <li>The sign is not a pole sign, a sky sign, a reflective sign, internally illuminated sign, floodlit sign, electronic sign or animated sign.</li> <li>The display area of the sign does not exceed 10 square metres.</li> </ul>	
52.05-3 <small>31/07/2018 VC148</small>	<b>Referral of applications</b> An application to construct or put up for display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004 must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03 or a schedule to that clause.	
52.05-4 <small>31/07/2018 VC148</small>	<b>Expiry of permits</b> A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.	
52.05-5 <small>31/07/2018 VC148</small>	<b>Existing signs</b> A sign that was lawfully displayed on the approval date or that was being constructed or put up for display on that date may be displayed or continue to be displayed and may be repaired and maintained. The content of a lawfully displayed sign may be renewed or replaced. However, a permit is required if: <ul style="list-style-type: none"> <li>The display area is to be increased.</li> <li>The renewal or replacement would result in a different type of sign.</li> </ul> A sign that is reconstructed must meet the relevant sign requirements. A major promotion sign displayed in accordance with a permit granted between 19 September 1995 and 18 September 1997 may continue to be displayed: <ul style="list-style-type: none"> <li>until 31 December 2008; or</li> <li>where a permit application seeking permission to display the sign is lodged before 31 December 2008, until the permit application is finally determined.</li> </ul>	
52.05-6 <small>20/01/2022 VC205</small>	<b>Application requirements</b> An application must be accompanied by the following information, as appropriate: <b>Site context</b> <ul style="list-style-type: none"> <li>A site context report, using a site plan, photographs or other methods to accurately describe:               <ul style="list-style-type: none"> <li>The location of the proposed sign on the site or building and distance from property boundaries.</li> <li>The location and size of existing signage on the site including details of any signs to be retained or removed.</li> <li>The location and form of existing signage on abutting properties and in the locality.</li> <li>The location of closest traffic control signs.</li> <li>Identification of any view lines or vista that could be affected by the proposed sign.</li> </ul> </li> </ul>	



## MORNINGTON PENINSULA PLANNING SCHEME

## Sign details

- The location, dimensions height above ground level and extent of projection of the proposed sign.
- The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.
- Details of associated on-site works.
- Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.
- The colour, lettering style and materials of the proposed sign.
- The size of the display (total display area, including all sides of a multi-sided sign).
- The location of any logo box and proportion of display area occupied by such a logo box.
- For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-8 relating to road safety
- Any landscaping details.

## Signs with a display area of 18 square metres or more

- For a sign with a display area of 18 square metres or more:
  - A description of the existing character of the area including built form and landscapes.
  - The location of any other signs over 18 square metres, or scrolling, electronic or animated signs within 200 metres of the site.
  - Any existing identifiable advertising theme in the area.
  - Photomontages or a streetscape perspective of the proposed sign.
  - Level of illumination including:
    - Lux levels for any sign on or within 60 metres of a Transport Zone 2, Transport Zone 3, a residential zone or public land zone.
    - The dwell and change time for any non-static images.
  - The relationship to any significant or prominent views and vistas.

## 52.05-7

31/07/2018  
VC148

## Exemption from notice and review

An application for a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign:

- Is to be constructed or displayed on land specified in the schedule to this clause.
- Meets any conditions specified in the schedule to this clause.

## 52.05-8

31/07/2018  
VC148

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

## All signs

- The character of the area including:
  - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character

## MORNINGTON PENINSULA PLANNING SCHEME

- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.
- Impact on views and vistas:
  - The potential to obscure or compromise important views from the public realm.
  - The potential to dominate the skyline.
  - The potential to impact on the quality of significant public views.
  - The potential to impede views to existing signs.
- The relationship to the streetscape setting or landscape:
  - The proportion, scale and form of the proposed sign relative to the streetscape setting or landscape.
  - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
  - The ability to screen unsightly built or other elements.
  - The ability to reduce the number of signs by rationalising or simplifying signs.
  - The ability to include landscaping to reduce the visual impact of parts of the sign structure.
- The relationship to the site and building:
  - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
  - The extent to which the sign displays innovation relative to the host site and host building.
  - The extent to which the sign requires the removal of vegetation or includes new landscaping.
- The impact of structures associated with the sign:
  - The extent to which associated structures integrate with the sign.
  - The potential of associated structures to impact any important or significant features of the building, site, streetscape setting or landscape views and vistas or area.
- The impact of any illumination:
  - The impact of glare and illumination on the safety of pedestrians and vehicles.
  - The impact of illumination on the amenity of nearby residents and the amenity of the area.
  - The potential to control illumination temporally or in terms of intensity
- The impact of any logo box associated with the sign:
  - The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
  - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
- The need for identification and the opportunities for adequate identification on the site or locality.
- The impact on road safety A sign is a safety hazard if the sign:

## MORNINGTON PENINSULA PLANNING SCHEME

- Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property
- Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
- Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
- Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway
- Could mislead drivers or be mistaken as an instruction to drivers.

## Major promotion signs

- The effect of the proposed major promotion sign on:
  - Significant streetscapes, buildings and skylines.
  - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
  - Residential areas and heritage places.
  - Open space and waterways.
- When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
  - Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
  - Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscape sections of freeways.
  - Major promotion signs are discouraged within open space reserves or corridors and around waterways.
  - Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.
  - In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.05-9

31/07/2018  
VC148

## Mandatory conditions

## All signs

A permit for a sign that includes an expiry date must include a condition that provides that on expiry of the permit the sign and structure built specifically to support and illuminate it must be removed.

## Major promotion signs

A permit for a major promotion sign must include conditions that specify:

- That the sign must not:
  - Dazzle or distract drivers due to its colouring.
  - Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
  - Be able to be mistaken as an instruction to drivers.
- An expiry date that is 15 years from the date the permit is issued unless otherwise specified in this clause. This does not apply to a permit for a major promotion sign for a special event or temporary building shrouding.

A permit for a major promotion sign may specify an expiry date other than 15 years, but the date must not be less than 10 years or more than 25 years from the date the permit is issued. Before deciding to alter the specified expiry date of 15 years, the responsible authority must consider as appropriate:

- The purpose of the sign.
- The existing or desired character of the area.
- The Municipal Planning Strategy and the Planning Policy Framework in terms of the extent to which the proposed sign is consistent with any relevant policy direction and the extent to which the area may be expected to change over time.
- The extent to which the signage is physically and visually integrated into the architecture of the building.

## 52.05-10

26/09/2023  
VC246

## Signs not requiring a permit

Despite any provision in a zone, overlay, or other particular provision of this scheme a permit is not required to construct or put up for display any of the following signs:

- A sign identifying the functions or property of a government department, public authority or municipal council, but not a promotion sign displayed at the direction of any of these bodies.
- A sign controlling traffic on a public road, railway, tramway, water or in the air, provided it is displayed at the direction of a government department, public authority or municipal council.
- A sign at a hospital that gives direction to emergency facilities.
- A sign in a road reserve that gives direction or guidance about a tourist attraction, service or facility of interest to road users. The sign must be displayed to the satisfaction of the road authority.
- A sign required by statute or regulation provided it is strictly in accordance with the requirement.
- A sign at a railway station or bus terminal that provides information or direction for people using the station or terminal.
- A sign on a showground, motor racing track or on a major sports and recreation facility, provided the sign's display cannot be seen from nearby land.

## MORNINGTON PENINSULA PLANNING SCHEME

- A sign with a display area not exceeding 1 square metre to each premises that provides information about a place of worship. It must not be an animated or internally illuminated sign.
- A sign inside a building that cannot generally be seen outside.
- A sign with a display area not exceeding 2 square metres concerning construction work on the land. Only one sign may be displayed; it must not be an animated or internally illuminated sign and it must be removed when the work is completed.
- A sign with a display area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes. Only one sign may be displayed on the land; it must not be an animated or internally illuminated sign and it must not be displayed longer than 14 days after the event is held or 3 months, whichever is sooner. A sign publicising a local political event may include information about a candidate for an election.
- A sign publicising a special event on the land or in the building on which it is displayed provided no more than 8 signs are displayed in a calendar year and the total number of days the signs are displayed does not exceed 28 in that calendar year. The sign must be removed when the event is finished.
- A sign with a display area not exceeding 2 square metres publicising the sale of goods or livestock on the land or in the building on which it is displayed provided the land or building is not normally used for that purpose. Only one sign may be displayed; it must not be an animated or internally illuminated sign and it must not be displayed longer than 3 months without a permit.
- A sign with a display area not exceeding 10 square metres publicising the sale or letting of the property on which it is displayed. Only one sign may be displayed; it must not be an animated sign and it must not be displayed longer than 7 days after the sale date. A permit may be granted for:
  - The display area to exceed 10 square metres if the sign concerns more than 20 lots.
  - The sign to be displayed on land excised from the subdivision and transferred to the municipal council.
  - The sign to be displayed longer than 7 days after the sale date.
- A sign publicising or providing information about Victoria's container deposits scheme under the Circular Economy (Waste and Recycling) Act 2021. The sign must be attached to an automated collection point, or a building used for a container deposits scheme centre. The display area for the sign must not exceed 8 square metres. The sign must not be an animated, floodlit or internally illuminated sign.

No permit is required to fly the Australian flag or to display the flag on a building, painted or otherwise represented provided it is correctly dimensioned and coloured in accordance with the Flags Act 1953.

52.05-11

03/02/2022  
VC199

Category 1 - Commercial areas

Minimum limitation

Purpose

To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.

## MORNINGTON PENINSULA PLANNING SCHEME

## Section 1 - Permit not required

Sign	Condition
Bed and breakfast sign Business identification sign Home based business sign Promotion sign	The total display area of all signs to each premises must not exceed 8 sqm. This does not include a sign with a display area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.
Direction sign	None specified
Internally illuminated sign	The total display area to each premises must not exceed 1.5 sqm.  No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level.  The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.

## Section 2 - Permit required

Sign	Condition
Any sign not in Section 1	None specified

## Section 3 - Prohibited

Sign
Nil

52.05-12  
03/02/2022  
VC199

## Category 2 - Office and industrial

## Low limitation

## Purpose

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

## Section 1 - Permit not required

Sign	Condition
Bed and breakfast sign Business identification sign Home based business sign Pole sign	The total display area of all signs to each premises must not exceed 8 sqm. This does not include a direction sign.
Direction sign	Only one to each premises.
Internally illuminated sign	The display area must not exceed 1.5 sqm. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.

## MORNINGTON PENINSULA PLANNING SCHEME

## Section 2 - Permit required

Sign	Condition
Any sign not in Section 1	None specified

## Section 3 - Prohibited

Sign
Nil

52.05-13  
03/02/2022  
VC199

Category 3 - High amenity areas  
Medium limitation

## Purpose

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

## Section 1 - Permit not required

Sign	Condition
Bed and breakfast sign	Only one to each premises.
Home based business sign	The display area must not exceed 0.2 sqm.
Direction sign	None specified

## Section 2 - Permit required

Sign	Condition
Above-verandah sign	None specified
Business identification sign	
Electronic sign	The display area must not exceed 3 sqm.
Floodlit sign	None specified
High-wall sign	Must be a business logo or street number.
Internally illuminated sign	None specified
Pole sign	
Promotion sign	The display area must not exceed 3 sqm.
Reflective sign	None specified

## Section 3 - Prohibited

Sign
Any sign not in Sections 1 or 2

## MORNINGTON PENINSULA PLANNING SCHEME

52.05-14

17/10/2023  
VC241

## Category 4 - Sensitive areas

## Maximum limitation

## Purpose

To provide for unobtrusive signs in areas requiring strong amenity control.

## Section 1 - Permit not required

Sign	Condition
Bed and breakfast sign	Only one to each premises.
Home based business sign	The display area must not exceed 0.2 sqm.
Direction sign	None specified

## Section 2 - Permit required

Sign	Condition
Business identification sign	The total display area to each premises must not exceed 3 sqm. This does not apply to a Business identification sign on land used for a Freeway service centre or Service station.
Floodlit sign	Must not be a Promotion sign on land used for an Open sports ground.
Above-verandah sign	Must be on land used for a Freeway service centre or Service station.
High-wall sign	
Internally illuminated sign	
Pole sign	
Electronic sign	Must be on land used for a Freeway service centre or Service station. The display area must not exceed 3 sqm.
Promotion sign	Must be on land used for a Freeway service centre, Service station or Open sports ground.  Must promote goods, services, events or matters provided, undertaken or sold on land used for a Freeway service centre or Service station.

## Section 3 - Prohibited

Sign
Any sign not in Sections 1 or 2



MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

SCHEDULE TO CLAUSE 52.05 SIGNS

1.0  
22/07/2021  
C255morn

Exemption from notice and review

Land	Condition
None specified	

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.06

31/07/2018  
VC148

## CAR PARKING

## Purpose

To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.

To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated by the activities on the land and the nature of the locality.

To support sustainable transport alternatives to the motor car.

To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

To ensure that car parking does not adversely affect the amenity of the locality.

To ensure that the design and location of car parking is of a high standard and creates a safe environment for users and enables easy and efficient use.

## 52.06-1

14/12/2023  
VC253

## Scope

Clause 52.06 applies to:

- a new use; or
- an increase in the floor area or site area of an existing use; or
- an increase to an existing use by the measures specified in Column C of Table 1 in Clause 52.06-5 for that use.

Clause 52.06 does not apply to:

- the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone; or
- the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot; or
- the construction and use of a small second dwelling.

## 52.06-2

19/04/2013  
VC95

## Provision of car parking spaces

## Before:

- a new use commences or
- the floor area or site area of an existing use is increased or
- an existing use is increased by the measures specified in Column C of Table 1 in Clause 52.06-5 for that use,

the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- on the land; or
- in accordance with a permit issued under Clause 52.06-3; or
- in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay

If a schedule to the Parking Overlay specifies a maximum parking provision, the maximum provision must not be exceeded except in accordance with a permit issued under Clause 52.06-3.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.06-3

04/10/2018  
VC149

## Permit requirement

A permit is required to:

- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay
- Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.
- Provide more than the maximum parking provisions specified in a schedule to the Parking Overlay

A permit is not required if a schedule to the Parking Overlay specifies that a permit is not required under this clause.

A permit is not required to reduce the number of car parking spaces required for a new use of land if the following requirements are met:

- The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land.
- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:

- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.
- The gross floor area of the building is not increased.
- The reduction does not exceed 10 car parking spaces.
- The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

VicSmart applications

Subject to Clause 71.06, an application under this clause to reduce the required number of car parking spaces by no more than 10 car parking spaces is a class of VicSmart application and must be assessed against Clause 59.10.

## 52.06-4

31/07/2018  
VC148

## Exemption from notice and review

An application under Clause 52.06-3 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if:

- the application is only for a permit under Clause 52.06-3; or
- the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## 52.06-5

24/01/2020  
VC160

## Number of car parking spaces required under Table 1

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table.

A car parking requirement in Table 1 may be calculated as either:

- a number of car parking spaces or
- a percentage of the total site area that must be set aside for car parking.

## MORNINGTON PENINSULA PLANNING SCHEME

A car parking requirement in Table 1 is calculated by multiplying the figure in Column A or Column B (whichever applies) by the measure (for example square metres, number of patrons or number of bedrooms) in Column C.

Column A applies unless Column B applies.

Column B applies if:

- any part of the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018); or
- a schedule to the Parking Overlay or another provision of the planning scheme specifies that Column B applies.

Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.

If in calculating the number of car parking spaces the result is not a whole number the required number of car parking spaces is to be rounded down to the nearest whole number.

Where the car parking requirement specified in Table 1 is calculated as a percentage of the total site area, the area to be provided for car parking includes an accessway that directly abuts any car parking spaces but does not include any accessway or portion of an accessway that does not directly abut any car parking spaces.

The car parking requirement specified in Table 1 includes disabled car parking spaces. The proportion of spaces to be allocated as disabled spaces must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.

The car parking requirement specified for a use listed in Table 1 does not apply if:

- a car parking requirement for the use is specified under another provision of the planning scheme;
- a schedule to the Parking Overlay specifies the number of car parking spaces required for the use.

Table 1: Car parking requirement

Use	Rate Column A	Rate Column B	Car Parking Measure Column C
Amusement parlour	4	3.5	To each 100 sq m of net floor area
Art & craft centre	4	3.5	To each 100 sq m of net floor area
Bar	0.4		To each patron permitted
		3.5	Space to each 100 sq m of leasable floor area
Betting agency	4	3.5	To each 100 sq m of leasable floor area
Bowling green	6	6	To each rink plus 50 per cent of the relevant requirement of any ancillary use
Child care centre	0.22	0.22	To each child
Cinema based entertainment facility	0.3	0.3	To each patron permitted
Convenience restaurant	0.3		To each patron permitted
		3.5	To each 100 sq m of leasable floor area

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Rate Column A	Rate Column B	Car Parking Measure Column C
Convenience shop if the leasable floor area exceeds 80 sq m	10		To each premises
		3.5	To each 100 sq m of leasable floor area
Display home centre	5		To each dwelling for five or fewer contiguous dwellings, plus
	2		To each additional contiguous dwelling
		3.5	To each 100 sq m of floor area
Dwelling	1	1	To each one or two bedroom dwelling, plus
	2	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus
	1	0	For visitors to every 5 dwellings for developments of 5 or more dwellings
Education centre other than listed in this table	0.4	0.3	To each student that is part of the maximum number of students on the site at any time
Food and drink premises other than listed in this table	4	3.5	To each 100 sq m of leasable floor area
Freezing and cool storage,	1.5	1	To each 100 sq m of net floor area
Fuel depot	10	10	Per cent of site area
Funeral Parlour	0.3	0.3	To each patron permitted
Gambling premises other than listed in this table	0.4		To each patron permitted
		3.5	To each 100 sq m of leasable floor area
Golf course	4	4	To each hole plus 50 per cent of the relevant requirement of any ancillary uses.
Home based business	1	0	To each employee not a resident of the dwelling
Hotel	0.4		To each patron permitted
		3.5	To each 100 sq m of leasable floor area
Industry other than listed in this table	2.9	1	To each 100 sq m of net floor area
Landscape gardening supplies	10	10	Per cent of site area
Mail centre	3.5	3	To each 100 sq m of net floor area
Manufacturing sales	4	3.5	To each 100 sq m of leasable floor area
Market	8	3.5	To each 100 sq m of site area
Materials recycling	10	10	Per cent of site area
Medical centre	5		To the first person providing health services plus
	3		To every other person providing health services
		3.5	To each 100 sq m of leasable floor area
Milk depot	10	10	Per cent of site area

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Rate Column A	Rate Column B	Car Parking Measure Column C
Motel	1	1	To each unit, and one to each manager dwelling, plus 50 per cent of the relevant requirement of any ancillary use
Motor repairs	3	3	To each 100 sq m of net floor area plus
	1	1	for each vehicle being serviced, repaired or fitted with accessories, including vehicles waiting to be serviced, repaired, fitted with accessories or collected by owners
Office other than listed in this table	3.5	3	To each 100 sq m of net floor area
Place of assembly other than listed in this table	0.3	0.3	To each patron permitted
Postal agency	4	3.5	To each 100 sq m of leasable floor area
Primary produce sales	4	3.5	To each 100 sq m of leasable floor area
Primary school	1	1	To each employee that is part of the maximum number of employees on the site at any time
Research and development centre	3.5	3	To each 100 sq m of net floor area
Residential aged care facility	0.3	0.3	To each lodging room
Residential village	1	1	To each one or two bedroom dwelling plus
	2	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus
	1	0	For visitors to every five dwellings for developments of five or more dwellings
Retirement village	1	1	To each one or two bedroom dwelling plus
	2	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus
	1	0	For visitors to every five dwellings for developments of five or more dwellings
Restaurant	0.4		To each patron permitted
		3.5	To each 100 sq m of leasable floor area
Restricted retail premises	3	2.5	To each 100 sq m of leasable floor area
Rooming house	1	1	To each four bedrooms
Saleyard	10	10	Per cent of site area
Secondary school	1.2	1.2	To each employee that is part of the maximum number of employees on the site at any time
Shop other than listed in this table	4	3.5	To each 100 sq m of leasable floor area
Squash court – other than in conjunction with a dwelling	3	3	To each court plus 50 per cent of the relevant requirement of any ancillary use

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Rate Column A	Rate Column B	Car Parking Measure Column C
Store other than listed in this table	10	10	Per cent of site area
Supermarket	5	5	To each 100 sq m of leasable floor area
Swimming pool – other than in conjunction with a dwelling	5.6	5.6	To each 100 sq m of the site
Tennis court – other than in conjunction with a dwelling	4	4	To each court plus 50% of the requirement of any ancillary use
Trade supplies	10	10	Per cent of site area
Veterinary centre	5		To the first person providing animal health services plus
	3		To every other person providing animal health services
		3.5	To each 100 sq m of leasable floor area
Warehouse other than listed in this table	2	2	To each premises plus
	1.5	1	To each 100 sq m of net floor area
Winery	0.4		To each patron permitted
		3.5	To each 100 sq m of leasable floor area

## 52.06-6

16/01/2018  
VC142

## Number of car parking spaces required for other uses

Where a use of land is not specified in Table 1 or where a car parking requirements not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay before a new use commences, the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority. This does not apply to the use of land for a temporary portable land sales office located on the land for sale.

## 52.06-7

25/05/2017  
VC133

## Application requirements and decision guidelines for permit applications

For applications to reduce the car parking requirement

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- new use; or
- increase in the floor area or site area of the existing use; or
- increase to the existing use by the measures specified in Column C of Table 1 in Clause 52.06-5 for that use.

The Car Parking Demand Assessment must address the following matters to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.

## MORNINGTON PENINSULA PLANNING SCHEME

- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study

Before granting a permit to reduce the number of spaces the responsible authority must consider the following, as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre.
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matters specified in a schedule to the Parking Overlay
- Any other relevant consideration.



## MORNINGTON PENINSULA PLANNING SCHEME

For applications to allow some or all of the required car parking spaces to be provided on another site

Before granting a permit to allow some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay to be provided on another site, the responsible authority must consider the following, as appropriate:

- The proximity of the car parking on the alternate site to the subject site.
- The likelihood of the long term provision and availability of the car parking spaces.
- Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.
- Any other matters specified in a schedule to the Parking Overlay

For applications to provide more than the maximum parking provision specified in a schedule to the Parking Overlay

An application to provide more than the maximum parking provisions specified in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed use or increase to the existing use.

The Car Parking Demand Assessment must address the following matters to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study

52.06-8

25/05/2017  
VC133

Requirement for a car parking plan

Plans must be prepared to the satisfaction of the responsible authority before any of the following occurs:

- a new use commences or
- the floor area or site area of an existing use is increased or
- an existing use is increased by the measures specified in Column C of Table 1 in Clause 52.06-5 for that use.

The plans must show as appropriate:

- All car parking spaces that are proposed to be provided (whether on the land or on other land).
- Access lanes, driveways and associated works.
- Allocation of car parking spaces to different uses or tenancies if applicable.
- Any landscaping and water sensitive urban design treatments.
- Finished levels, if required by the responsible authority

## MORNINGTON PENINSULA PLANNING SCHEME

- Any other matters specified in a schedule to the Parking Overlay

Plans must be provided to the responsible authority under Clause 52.06-8 wherever Clause 52.06 applies, whether or not a permit application is being made under Clause 52.06-3 or any other provision of the planning scheme.

Where an application is being made for a permit under Clause 52.06-3 or another provision of the planning scheme, the information required under Clause 52.06-8 may be included in other plans submitted with the application.

Clause 52.06-8 does not apply where no car parking spaces are proposed to be provided.

## 52.06-9

03/02/2022  
VC199

## Design standards for car parking

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.

Design standards 1, 3, 6 and 7 do not apply to an application to construct a dwelling on a lot.

## Design standard 1 – Accessways

Accessways must:

- Be at least 3 metres wide.
- Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.
- Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.
- Provide at least 2.1 metres headroom beneath overhead obstructions calculated for a vehicle with a wheelbase of 2.8 metres.
- If the accessway serves four or more car spaces or connects to a road in a Transport Zone 2 or Transport Zone 3, the accessway must be designed so that cars can exit the site in a forward direction.
- Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or Transport Zone 3.
- Have a corner play area at least 50 per cent clear of visual obstruction extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstruction may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas provided the landscaping in those areas is less than 900 mm in height.

If an accessway to four or more car parking spaces is from land in a Transport Zone 2 or Transport Zone 3, the access to the car spaces must be at least 6 metres from the road carriageway.

If entry to the car spaces is from a road, the width of the accessway may include the road.

## Design standard 2 – Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

Table 2: Minimum dimensions of car parking spaces and accessways

Angle of car parking spaces to access way	Accessway width	Car space width	Car space length
Parallel	3.6 m	2.3 m	6.7 m

## MORNINGTON PENINSULA PLANNING SCHEME

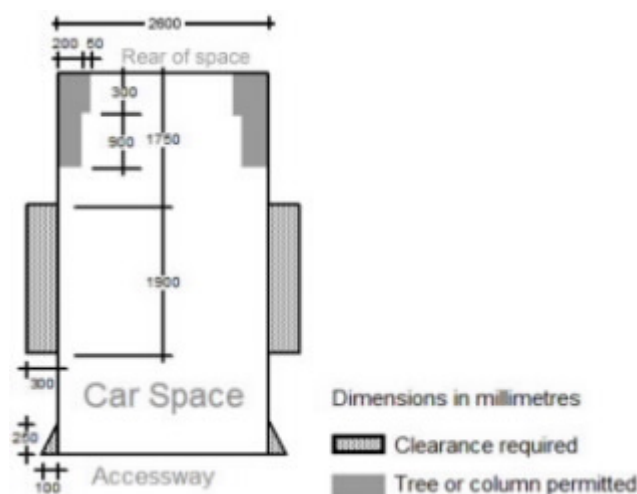
Angle of car parking spaces to access way	Accessway width	Car space width	Car space length
45°	3.5 m	2.6 m	4.9 m
60°	4.9 m	2.6 m	4.9 m
90°	6.4 m	2.6 m	4.9 m
	5.8 m	2.8 m	4.9 m
	5.2 m	3.0 m	4.9 m
	4.8 m	3.2 m	4.9 m

Note Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance' required on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

Diagram 1 Clearance to car parking spaces



Carspaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Where parking spaces are provided in tandem (one space behind the other) an additional 500mm in length must be provided between each space.

Where two or more car parking spaces are provided for a dwelling, at least one space must be undercover.

Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.

## MORNINGTON PENINSULA PLANNING SCHEME

## Design standard 3: Gradients

Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.

Table 3: Ramp gradients

Type of car park	Length of ramp	Maximum grade
Public car parks	20 metres or less	1:5 (20%)
	longer than 20 metres	1:6 (16.7%)
Private or residential car parks	20 metres or less	1:4 (25%)
	longer than 20 metres	1:5 (20%)

Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.

Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances to the satisfaction of the responsible authority.

## Design standard 4: Mechanical parking

Mechanical parking may be used to meet the car parking requirements provided:

- At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres.
- Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
- The design and operation is to the satisfaction of the responsible authority.

## Design standard 5: Urban design

Ground level car parking, garage doors and accessways must not visually dominate public space.

Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible including through the use of occupied balconies and landscaping, architectural treatments and artworks.

Design of car parks must take into account their use as entry points to the site.

Design of new internal streets in developments must maximise on street parking opportunities.

## Design standard 6: Safety

Car parking must be well lit and clearly signed.

The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

Pedestrian access to car parking areas from the street must be convenient.

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.

## MORNINGTON PENINSULA PLANNING SCHEME

## Design standard 7: Landscaping

The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.

Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

## 52.06-10

25/05/2017  
VC133

## Decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory, the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provision of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s if the land is used by more than one occupier
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matters specified in a schedule to the Parking Overlay

## 52.06-11

25/05/2017  
VC133

## Construction of car parking

Where a plan is required under Clause 52.06-8, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:

- constructed and available for use in accordance with the plan approved by the responsible authority; and
- formed to such levels and drained so that they can be used in accordance with the plan; and
- treated with an all-weather seal or some other durable surface; and

## MORNINGTON PENINSULA PLANNING SCHEME

- line-marked or provided with some other adequate means of showing the car parking spaces, before any of the following occurs:
- the new use commences or
- the floor area or site area of the existing use is increased or
- the existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.07

22/11/2022  
VC228

## EMERGENCY RECOVERY

## Purpose

To facilitate and support recovery from emergencies.

To facilitate the construction and use of temporary accommodation following an emergency

To enable businesses and services to continue operating following an emergency

To support the provision of materials and infrastructure required for emergency recovery

## 52.07-1

04/11/2022  
VC226

## Exemption from planning scheme requirements

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any of the following uses or developments if the requirements of clause 52.07 are met:

- The use of land or the construction of a building or the construction or carrying out of works:
  - Associated with recovery carried out by or on behalf of a municipal council or public authority; or
  - For accommodation or
  - For a use (other than accommodation) that was lawfully carried out in a building immediately before that building was damaged or destroyed by an emergency
- The removal, destruction or lopping of vegetation.

This exemption does not apply to:

- The requirement in clause 45.03-1.
- The use or development of land to which clause 52.14 applies.

The provision of this clause prevail over any inconsistent provision in this planning scheme.

## 52.07-2

04/11/2022  
VC226

## Information to responsible authority

The following requirement does not apply to the use or development of land associated with recovery carried out by or on behalf of a municipal council or public authority

Before the commencement of a use or the construction of a building under clause 52.07, the following information must be given in writing to the responsible authority and to the satisfaction of the responsible authority:

- A description of the proposed use.
- A description of the proposed building.
- A description of the land on which the use will be carried out or the building will be constructed by:
  - Stating the address of the land; or
  - Stating the title particulars of the land; or
  - Including a plan showing the land; or
  - Any combination of these.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.07-3

04/11/2022  
VC226

## Temporary accommodation requirements

The following requirements do not apply to the use or development of land associated with recovery carried out by or on behalf of a municipal council or public authority.

Land must only be used for accommodation under this clause to accommodate a person whose principal place of residence was damaged or destroyed by a bushfire on the same and/or contiguous land in the same ownership.

Land used for accommodation under this clause must meet the following requirements:

- Access to the accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The accommodation must be connected to reticulated sewerage if available. If reticulated sewerage is not available, all wastewater from the accommodation must be treated and retained within the lot in accordance with the requirements in the Environment Protection Regulations under the Environment Protection Act 2017 for a non-site wastewater management system or treated and disposed of to the satisfaction of the responsible authority.
- The accommodation must be connected to a reticulated potable water supply or have an alternative potable water supply.
- The accommodation must be connected to a reticulated electricity supply or have an alternative energy source.

The use of land for accommodation under this clause must not continue after 3 years of the commencement of the use unless in accordance with the requirements of this planning scheme.

A building or works constructed or carried out under this clause for accommodation must be on the same land, or on contiguous land in the same ownership as a building used for accommodation that was damaged or destroyed by a bushfire and must be completed within 18 months of the date that building was damaged or destroyed.

Unless in accordance with the written agreement of the responsible authority, the combined gross floor area of all buildings constructed for accommodation under this clause on contiguous land in the same ownership must not exceed 60 square metres.

## 52.07-4

04/11/2022  
VC226

## Continuation of use requirements

The following requirements do not apply to the use or development of land:

- For accommodation or
- Associated with recovery carried out by or on behalf of a municipal council or public authority.

Unless in accordance with the written agreement of the responsible authority, the use of land under this clause for a use that was carried out in a building immediately before that building was damaged or destroyed by an emergency must be carried out on the same land, or on contiguous land in the same ownership as the damaged or destroyed building.

A use commenced under this clause must not continue after 3 years of its commencement unless in accordance with this planning scheme.

A building or works constructed or carried out under this clause for a use that was carried out in a building damaged or destroyed by an emergency must be on the same land, or on contiguous land in the same ownership as the damaged or destroyed building and must be completed within 18 months of the date that building was damaged or destroyed by an emergency.

Unless in accordance with the written agreement of the responsible authority, the combined gross floor area of all buildings constructed under this clause on contiguous land in the same ownership must not exceed 100 square metres.



## MORNINGTON PENINSULA PLANNING SCHEME

## 52.07-5

04/11/2022  
VC226

## Vegetation removal requirement

Vegetation must only be removed, destroyed or lopped to the minimum extent necessary:

- To enable the removal of a building, equipment or other material that was damaged or destroyed by an emergency within 3 years of the date it was damaged or destroyed;
- To enable the repair or reconstruction of a fence that was damaged or destroyed by an emergency within 3 years of the date it was damaged or destroyed for a combined maximum width of 4 metres either side of the fence.

This requirement does not apply to:

- The removal, destruction or lopping of vegetation within 10 metres of a building constructed for accommodation under this clause; or
- The removal, destruction or lopping of vegetation (other than a tree) within 30 metres of a building constructed for accommodation under this clause; or
- The removal, destruction or lopping of vegetation (other than a tree) within 50 metres of a building constructed for accommodation under this clause in a Bushfire Management Overlay

## 52.07-6

04/11/2022  
VC226

## Other development requirements

Development of land in a Bushfire Management Overlay or Erosion Management Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in clause 52.07-1, must be sited to the satisfaction of the responsible authority.

Development of land in a Heritage Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in clause 52.07-1, must be carried out to the satisfaction of the responsible authority.

Development of land in an Urban Floodway Zone, Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in clause 52.07-1, must be sited to the satisfaction of the relevant floodplain management authority.

## 52.07-7

06/10/2023  
VC247

## Exemptions for extractive industry

Any requirement for a planning permit, including any condition, or any provision of this planning scheme that limits, or has the effect of limiting, the hours or days during which an extractive industry may be carried out, does not apply to the quarrying and processing of materials and the dispatch, delivery, loading or unloading of materials if:

- The materials are directly associated with recovery; and
- The quarrying and processing of materials and the dispatch, delivery, loading or unloading of materials occurs within 24 months of an emergency.

## 52.07-8

22/11/2022  
VC228

## Meaning of terms

In this clause:

- emergency means:
  - a bushfire; or
  - an earthquake, flood, wind-storm or other natural event;
- recovery means the assisting of persons and communities affected by emergencies to achieve a proper and effective level of functioning.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.08

24/01/2020  
VC160

## EARTH AND ENERGY RESOURCES INDUSTRY

## Purpose

To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.

To ensure that geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production are not prohibited land uses.

To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

## 52.08-1

24/01/2020  
VC160

## Permit requirement

A permit is required to use and develop land for earth and energy resources industry unless the table to this clause specifically states that a permit is not required.

## Table of exemptions

No permit is required to use or develop land for earth and energy resources industry if the following conditions are met:	
Extractive industry	Complies with Section 77T of the Mineral Resources (Sustainable Development) Act 1990.
Geothermal energy exploration	Complies with the Geothermal Energy Resources Act 2005.
Geothermal energy extraction	Complies with Section 62 of the Geothermal Energy Resources Act 2005.
Greenhouse gas sequestration exploration	Complies with Section 189 of the Greenhouse Gas Geological Sequestration Act 2008.
Greenhouse gas sequestration	Complies with Section 191 of the Geological Sequestration Act 2008.
Mineral exploration	Complies with Section 43(3) of the Mineral Resources (Sustainable Development) Act 1990.
Mining	Complies with Section 42(7) or Section 42A Mineral Resources (Sustainable Development) Act 1990; or Complies with Section 47A of the Electricity Industry Act 1993.
Petroleum exploration	Complies with Section 118 of the Petroleum Act 1998.
Petroleum production	Complies with Section 120 of the Petroleum Act 1998.
Stone exploration	Must not be costeaning or bulk sampling.

## 52.08-2

24/01/2020  
VC160

## Application requirements for mining

An application to use and develop land for mining must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990
- The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990
- Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990

## MORNINGTON PENINSULA PLANNING SCHEME

52.08-3

14/05/2021  
VC198

## Referral requirements for mining

An application to use or develop land for mining must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.

Unless the referral authority is the Head, Transport for Victoria, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.

## MORNINGTON PENINSULA PLANNING SCHEME

52.09

24/01/2020  
VC160

## EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS

## Purpose

To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.

To ensure that excavated areas can be appropriately rehabilitated.

To ensure that stone resources which may be required by the community for future use, are protected from inappropriate use and development.

52.09-1

24/01/2020  
VC160

## Application

This clause applies to an application to use or develop land:

- For extractive industry;
- Within an Extractive Industry Interest Area; or
- Within 500 metres of an existing or proposed extractive industry operation.

52.09-2

24/01/2020  
VC160

## Application requirements

An application to use and develop land for extractive industry must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.
- The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.
- Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.

These requirements do not apply if the proposed extractive industry is exempt from:

- The requirement to obtain a work plan under section 77G of the Mineral Resources (Sustainable Development) Act 1990; or
- The provisions of the Mineral Resources (Sustainable Development) Act 1990 under section 5AA of that Act.

52.09-3

22/03/2022  
VC219

## Referral of applications

An application must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66, if the application is to use or develop land for:

- Extractive industry; or
- Accommodation in a rural zone is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990

Unless the referral authority is the Head, Transport for Victoria, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the Mineral Resources (Sustainable Development) Act 1990

52.09-4

24/01/2020  
VC160

## Decision guidelines

Before deciding on an application to use and develop land for extractive industry, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

## MORNINGTON PENINSULA PLANNING SCHEME

- The effect of the proposed extractive industry on any native flora and fauna on and near the land.
- The impact of the proposed extractive industry on sites of cultural and historic significance, including any effect on Aboriginal places.
- The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally
- The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.
- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.
- The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural system or visual appearance of the surrounding area.
- The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community
- The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.
- The impact of the proposed extractive industry on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the Mineral Resources (Sustainable Development) Act 1990

## 52.09-5

24/01/2020  
VC160

## Permit conditions for extractive industry

A permit to use and develop land for extractive industry must not include conditions which require the use to cease by a specified date unless either:

- The subject land is situated in or adjoins land which is being developed or is proposed to be developed for urban purposes.
- Such condition is suggested by the applicant.

A permit to use and develop land for extractive industry must include:

- A condition that allows for a period of not less than five years for the use and development to commence before the permit expires under section 68 of the Act.
- Conditions that are consistent with the requirements specified in Clause 52.09-6.

## 52.09-6

24/01/2020  
VC160

## Requirements for extractive industry

The use and development of land for extractive industry must comply with the following requirements to the satisfaction of the responsible authority:

- Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping.
- Shrubs and trees must be planted and maintained to screen activity on the land.
- Parking areas must be provided for employees' cars and all vehicles used on the land.

## 52.09-7

22/03/2022  
VC219

## Notice of an application

Notice of the following kinds of applications must be given in accordance with section 52(1)(c) of the Act to the person or body specified as the person or body to be notified in Clause 66.05:

- An application to use or subdivide land or construct a building for accommodation, child care centre, education centre or hospital:

## MORNINGTON PENINSULA PLANNING SCHEME

- Within an Extractive Industry Interest Area.
- On land which is within 500 metres of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
- An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
- An application to use or develop land for accommodation in a rural zone if the building or works associated with the accommodation is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

This requirement does not apply to:

- An application to extend a building or works.
- An application that is required to be referred to the Secretary under section 55 of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.10

05/10/2021  
VC208

## RECONSTRUCTION AFTER AN EMERGENCY

## Purpose

To facilitate the reconstruction of buildings and works damaged or destroyed as a result of an emergency

To facilitate the re-establishment of businesses and services after an emergency

To facilitate the continued use of land for dwellings after an emergency

## 52.10-1

18/12/2024  
VC272

## Use exemptions - dwelling

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use of land, requires the use of land to be carried out in a particular manner or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to the use of land (other than land in the Urban Floodway Zone) for a dwelling if the following requirements are met:

- A dwelling on the land must have been damaged or destroyed as a result of an emergency after 1 January 2019.
- The use must commence within 7 years after the date the dwelling was damaged or destroyed.
- The dwelling must not be a building that was constructed under clause 52.07.
- The land must not be used for more than the number of dwellings the land was lawfully used for before the dwelling was damaged or destroyed.
- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to reticulated sewerage if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

## 52.10-2

18/12/2024  
VC272

## Exemption from notice and review

An application under any provision of this planning scheme to use or develop land (other than the subdivision of land) is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the following requirements are met:

- A building or works on the land must have been damaged or destroyed as a result of an emergency after 1 January 2019.
- A use must be a use that was lawfully carried out on the land immediately before the building or works was damaged or destroyed and cannot continue without the building or works being reconstructed.
- A development must be for:
  - The repair of the damaged or destroyed building or works; or
  - The construction of a building, or the construction or carrying out of works, to replace the damaged or destroyed building or works.

## MORNINGTON PENINSULA PLANNING SCHEME

- The application must be lodged within 7 years of the date the building was damaged or destroyed.
- If the application is to use or develop land for a dwelling:
  - A dwelling on the land must have been damaged or destroyed as a result of an emergency after 1 January 2019.
  - The application must only be for the number of dwellings that were damaged or destroyed.

## 52.10-3

05/10/2021  
VC208

## Meaning of terms

In this clause, emergency means:

- a bushfire; or
- an earthquake, flood, wind-storm or other natural event.

## 52.10-4

05/10/2021  
VC208

## Transitional provision

Clause 52.10-2 of this planning scheme as in force immediately before the approval date of Amendment VC208, continues to apply to an application lodged before that date for land on which a building was damaged or destroyed by a bushfire after 1 January 2019.



## MORNINGTON PENINSULA PLANNING SCHEME

52.11

31/07/2018  
VC148

## HOME BASED BUSINESS

## Purpose

To ensure that the amenity of the neighbourhood is not adversely affected by a business conducted in or from a dwelling.

52.11-1

15/03/2024  
VC256

## Requirements to be met

A home based business must meet the following requirements:

- The person conducting the home based business must use the dwelling as their principal place of residence.
- No more than two persons who do not live in the dwelling may work in the home based business at any one time.
- The net floor area used in conducting the business including the storage of any materials or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling, whichever is the lesser. This does not apply to the education or care of children. The net floor area includes out-buildings and works normal to a dwelling.
- The business must not impose a load on any utility greater than normally required for domestic use.
- The business must not adversely affect the amenity of the neighbourhood in any way including:
  - The appearance of any building, works or materials used.
  - The parking of motor vehicles.
  - The transporting of materials or goods to or from the dwelling.
  - The hours of operation.
  - Electrical interference.
  - The storage of chemicals, gases or other hazardous materials.
  - Emissions from the site.
- No motor vehicle may be adjusted, modified, serviced or repaired for gain.
- Only one commercial vehicle associated with a home business not exceeding 2 tonnes capacity and with or without a trailer registered to a resident of the dwelling may be present at any time. The vehicle must not be fuelled or repaired on the site.
- No goods other than goods manufactured or serviced in the home based business may be offered for sale. This requirement does not apply to goods offered for sale online.
- Materials used or goods manufactured, serviced or repaired in the home based business must be stored within a building.
- No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site.
- Any goods offered for sale online must not be collected from the dwelling.

In this clause a commercial vehicle means:

- any motor vehicle which is used or intended to be used for carrying goods in the course of any business or
- a commercial motor vehicle within the meaning of the Road Safety Act 1986.

## MORNINGTON PENINSULA PLANNING SCHEME

52.11-2

15/03/2024  
VC256

## Permit requirement

Despite the requirements of Clause 52.11-1, a permit may be granted for a homebased business:

- Which allows no more than three people who do not live in the dwelling to work in the business at any one time; or
- Which has a floor area not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser
- Which allows no more than one additional commercial vehicle, not exceeding two tonnes capacity and with or without a trailer registered to a resident of the dwelling, to be present at any time.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether there is a need for additional parking or loading facilities.
- The effect of any vehicle parking, storage or washing facilities on the amenity and character of the street.
- Whether the site is suitable for the particular homebased business and is compatible with the surrounding use and development.
- Whether there is a need for landscaping or screening any outbuildings or car parking or loading areas or any other areas relating to the homebased business.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.12

05/08/2020  
VC176

## BUSHFIRE PROTECTION EXEMPTIONS

## Purpose

To facilitate the removal of vegetation in specified circumstances to support the protection of human life and property from bushfire.

To facilitate the construction and protection of community fire refuges and private bushfire shelters.

## 52.12-1

05/08/2020  
VC176

Exemptions to create defendable space around buildings used for accommodation

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner does not apply to any of the following:

- The removal, destruction or lopping of any vegetation within 10 metres of an existing building used for accommodation if all of the following requirements are met:
  - The building must be located in an area that is designated as a bushfire prone area under the Building Act 1993.
  - The building must have been:
    - constructed before 10 September 2009; or
    - approved by a planning permit or a building permit issued before 10 September 2009; or
    - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.
- The removal, destruction or lopping of any vegetation except trees, within 30 metres of an existing building used for accommodation if all of the following requirements are met:
  - The building must be located in an area that is designated as a bushfire prone area under the Building Act 1993.
  - The building must have been:
    - constructed before 10 September 2009; or
    - approved by a planning permit or a building permit issued before 10 September 2009; or
    - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.
- The removal, destruction or lopping of any vegetation except trees, within 50 metres of an existing building used for accommodation if all of the following requirements are met:
  - The building must be located in the Bushfire Management Overlay
  - The building must have been:
    - constructed before 10 September 2009; or
    - lawfully constructed without a planning permit before 18 November 2011; or
    - approved by a planning permit or a building permit issued before 10 September 2009 and constructed before 18 November 2011; or
    - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.12-2

05/08/2020  
VC176

## Exemption for vegetation removal along a fenceline

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner does not apply to the removal, destruction or lopping of any vegetation along a boundary fence between properties in different ownership if all of the following requirements are met:

- The fence must be located in an area that is designated as a bushfire prone area under the Building Act 1993.
- The fence must have been constructed before 10 September 2009.
- The clearing alongside both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.

## 52.12-3

05/08/2020  
VC176

## Exemption for buildings and works associated with a community fire refuge

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to modifying an existing building to create a community fire refuge in accordance with Ministerial Direction No. 4, Construction Requirements for a Community Fire Refuge (1 October 2015) of the Project Development and Construction Management Act 1994.

## 52.12-4

05/08/2020  
VC176

## Exemption for buildings and works associated with a private bushfire shelter

Any requirement in this planning scheme relating to the construction of a building or the construction or carrying out of works does not apply to buildings and works associated with a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2018), provided the total area of all buildings and works does not exceed 30 square metres.

This clause does not apply to land in the Urban Floodway Zone, Erosion Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Heritage Overlay.

## 52.12-5

05/08/2020  
VC176

## Exemption to create defensible space for a dwelling under Clause 44.06 of this planning scheme

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner does not apply to the removal, destruction or lopping of vegetation to enable the construction of a dwelling, or the alteration or extension of an existing dwelling, and create its defensible space if all of the following requirements are met:

- Land is in the Bushfire Management Overlay
- Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone, Rural Living Zone, Farming Zone or Rural Activity Zone.
- The removal, destruction or lopping of vegetation:
  - Does not exceed the distance specified in Table 1 to Clause 53.02-3 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the Building Act 1993 for a dwelling or alteration or extension to the dwelling; or

## MORNINGTON PENINSULA PLANNING SCHEME

- Is required to be undertaken by a condition in a planning permit issued after 31 July 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.

Note: The effect of clause 52.12-5 is that if an application for building and works is made and all requirements of the clause are met, that application is not required to be accompanied by a permit application to remove the vegetation covered by this clause.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.13 VICTORIA'S CONTAINER DEPOSIT SCHEME

14/11/2022  
VC227

## 52.13-1

26/09/2023  
VC246

## Purpose

To facilitate an automated collection point and a container deposit scheme centre to support waste reduction and recycling under Victoria's container deposit scheme.

To ensure an automated collection point and a container deposit scheme centre are designed and sited to minimise impacts on the land and surrounding uses.

## 52.13-2

26/09/2023  
VC246

## Application

This clause applies to the use or development of an automated collection point and a container deposit scheme centre.

## 52.13-3

26/09/2023  
VC246

## Automated collection point requirements

An automated collection point should not:

- Be attached to another building.
- Be more than 3 metres in height. This includes an attached sign.
- Restrict a vehicular or pedestrian access way to or from the land or an entry or exit to a building.

## 52.13-4

26/09/2023  
VC246

## Container deposit scheme centre requirements

A container deposit scheme centre should collect, consolidate, store, sort or recover materials in a fully enclosed and roofed building.

In an industrial zone, Commercial 2 Zone or Port Zone, a container deposit scheme centre should be at least 30 metres from land (not a road):

- In a residential zone (other than a Mixed Use Zone or Township Zone) or a Rural Living Zone.
- Used for, or in a Public Acquisition Overlay to be acquired for, a hospital, an education centre or a corrective institution.

In any other zone, a container deposit scheme centre should:

- Be at least 60 metres from land (not a road):
  - Used for accommodation, child care centre, pre-school centre, primary school, secondary school, education centre, informal outdoor recreation, hospital or a corrective institution.
  - To be acquired for a hospital, an education centre or a corrective institution.
- Not operate machinery to collect, consolidate, store, sort or recover materials between 5pm and 8am the following day.
- Not have more than 4 vehicle movements by the operator collecting or delivering materials to the container deposit scheme centre between 5pm and 8am the following day.

## 52.13-5

26/09/2023  
VC246

## Permit exemption for an automated collection point

Any requirement in a zone or overlay or a schedule to a zone or overlay to obtain a permit to construct a building or construct or carry out works does not apply to an automated collection point if the requirements of clause 52.13-3 and clause 52.13-6 are met.

This exemption does not apply to a requirement in any of the following overlays if an application for one or more automated collection points has a combined gross floor area of 2 square metres or more, and a building height of 2.5 metres or more:

## MORNINGTON PENINSULA PLANNING SCHEME

Other than for a maximum of two automated collection points that are no greater than 2 square metres in total area and less than 2.5 metres in height, this exemption does not apply to a requirement in a:

- Bushfire Management Overlay if the automated collection point is located less than 10 meters from a building used for accommodation, education centre, hospital, leisure and recreation, or place of assembly
- Environmental Significance Overlay
- Floodway Overlay
- Heritage Overlay
- Land Subject to Inundation Overlay
- Public Acquisition Overlay
- Significant Landscape Overlay
- Special Building Overlay

## 52.13-6

26/09/2023  
VC246

Permit exemption requirement for an automated collection point

For the purposes of clause 52.13-5, an automated collection point with a gross floor area less than 2 square metres, and a building height less than 2.5 metres must:

- Be setback at least 30 metres from land (not a road) not in the same ownership in a residential zone (other than a Mixed Use Zone or Township Zone) or a Rural Living Zone.
- Be setback at least 30 metres from a dwelling in a Township Zone.
- Not be located on vacant land in a residential or rural zone.
- Not be located in an area set aside for vehicle access or occupy a car parking space.
- Be of muted, non-reflective external colours and finishes.

For the purposes of clause 52.13-5, an automated collection point with a gross floor area of 2 square metres or more, and a building height of 2.5 metres or more must:

- Occupy no more than:
  - 4 existing car parking spaces on the land; or,
  - 5 existing car parking spaces on the land if the land contains 50 or more car parking spaces.
- Be setback at least 4 metres from the frontage.
- Be setback at least 30 metres from land (not a road) not in the same ownership in a residential zone, Rural Living Zone or Urban Growth Zone.
- Not be located on vacant land in a residential or rural zone.
- Be of muted, non-reflective external colours and finishes.

## 52.13-7

26/09/2023  
VC246

Exemption from car parking requirements for an automated collection point

An automated collection point is exempt from the requirements of clause 52.06.

## 52.13-8

26/09/2023  
VC246

Exemption from permit conditions for an automated collection point

Any requirement of a permit, or any permit condition, that requires the provision of car parking, or requires land to be set aside for vehicle access or car parking, does not apply to the use or development of land for an automated collection point if the requirements of clause 52.13-3 are met.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.13-9

26/09/2023  
VC246

## Application requirements

An application must be accompanied by the following information as appropriate:

- A site context plan that specifies the location and nature of land use within 100 metres of site boundaries.
- A site and layout plan that includes:
  - Design for safe pedestrian and vehicle movements.
  - Any additional lighting to be included and any proposed baffling.
  - Any existing automated collection points on the site.
- An operation plan that includes:
  - Operating days and hours.
  - Noise, emissions and amenity attenuation measures. This may include a report on how noise and amenity impacts from the use will be reduced.
  - Safety and access details including how the use will be serviced, emptied and how materials will be moved to and from the site.
  - Details and methods of managing the collection, consolidation, storage, sorting and recovery of materials within a building to reduce noise and amenity impacts on surrounding land.
  - Details of traffic and car parking requirements generated by the use.

## 52.13-10

26/09/2023  
VC246

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in clause 65, the responsible authority must consider, as appropriate:

- The effect on existing car parking provision if an automated collection point is located on existing car parking spaces.
- The setback of the development from a frontage and from land (not a road) not in the same ownership in a residential zone, Rural Living Zone or Urban Growth Zone.
- The effect of siting an automated collection point on vacant land in a residential or rural zone.
- The effect of external colours and finishes.
- The size, density and number of automated collection points including the cumulative impact of automated collection points on the land.
- Whether a proposed operation plan reduces noise and other impacts on nearby land uses.
- Safe pedestrian and vehicle movements on the land.
- The effect of noise, emissions, traffic movements and other amenity impacts on adjoining land uses.
- In a zone other than an industrial zone, Commercial 2 Zone or Port Zone the effect of noise, emissions, traffic movements and other amenity impacts of a container deposits scheme centre on adjacent and nearby sensitive land uses.

## 52.13-11

26/09/2023  
VC246

## Exemption from notice and review

An application to use or develop land for an automated collection point including the construction of or putting up for display a sign in conjunction with an automated collection point is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.



## MORNINGTON PENINSULA PLANNING SCHEME

An application to use or develop a container deposits scheme centre, including the construction of or putting up for display a sign in conjunction with a container deposits scheme centre is exempt from:

- In an industrial zone, Commercial 2 Zone and Port Zone, the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
- In any other zone, the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

52.13-12

26/09/2023  
VC246

## Transitional provisions

The requirements of this clause introduced by Amendment VC246 do not apply to:

- An application for an automated collection point or container deposits scheme centre lodged before the approval date of Amendment VC246.
- An application for an amendment of a permit for an automated collection point or container deposits scheme centre under section 72 of the Act if the original permit application was lodged before the approval date of Amendment VC246.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.14

31/07/2018  
VC148

## 2009 BUSHFIRE - REPLACEMENT BUILDINGS

## Purpose

To support the rebuilding of dwellings, dependent person's units and buildings used for agriculture damaged or destroyed by the 2009 Victorian bushfires.

## 52.14-1

14/12/2020  
VC188

## Scope

This clause applies to:

- The construction of a building or the construction and carrying out of works, associated with rebuilding:
  - a dwelling or dependent person's unit; or
  - a building used for agriculture,

that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.
- The use of land for:
  - a dwelling or dependent person's unit that is rebuilt in accordance with this clause; or
  - agriculture to the extent that the user relates to a building that was destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009 and that use cannot continue unless that building is rebuilt.
- The removal, destruction or lopping of vegetation to enable the construction, use and maintenance of a building rebuilt in accordance with this Clause.

This clause does not apply to land in a Heritage Overlay

For the avoidance of doubt, any planning permit exemption provided by the scheme continues to apply to the use and development specified in this Clause.

## 52.14-2

20/01/2022  
VC205

## Exemption from planning scheme requirements

Any requirement of the scheme to obtain a permit or any provision in the scheme which prohibits the use or development of land or requires the use or development of land to be carried out in a particular manner does not apply to the use and development specified in Clause 52.14-1 provided the following requirements are met:

## Site plan

Before the commencement of construction of a building or the construction or carrying out of works, a site plan must be provided to and approved by the responsible authority. The site plan must show:

- The boundaries of the property
- The location of any damaged or destroyed dwelling, dependent person's unit or building used for agriculture.
- The proposed location of the replacement dwelling, dependent person's unit or building used for agriculture.
- The existing and proposed access to the lot.

## MORNINGTON PENINSULA PLANNING SCHEME

- Vegetation to be removed, destroyed or lopped to enable rebuilding including construction of vehicle access, water storage and wastewater treatment.
- For replacement dwellings and dependent person's units on land in a Farming Zone, Rural Conservation Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone or the Rural Living Zone:
  - The location and dimensions of vehicle access.
  - The location and storage of water for potable and fire fighting purposes if the dwelling or dependent person's unit cannot be connected to a reticulated potable water supply
  - The location of the wastewater treatment system if wastewater is to be retained and treated on site.

The site plan must be submitted to the responsible authority by 30 September 2017.

## Commencement of development

- The development must commence within two years after the approval of a site plan by the responsible authority and must be completed within two years after the development commences. The responsible authority may allow an extension of time on the request of the owner or the occupier of the land to which the approved site plan applies, provided that requests are made before the expiry of the applicable period or within three months of the expiry of the applicable period.

## Compliance with site plan

- The development must comply with the approved site plan.

## Use and development conditions

- The land must not be used for more than the number of dwellings or dependent person's units that were damaged or destroyed.
- The removal, destruction or lopping of vegetation to enable the maintenance of a building must not exceed 10 metres beyond the building.
- For land in the Farming Zone, Rural Conservation Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone or the Rural Living Zone:
  - Access to the dwelling or dependent person's unit must be provided via an all weather road with dimensions adequate to accommodate emergency vehicles.
  - The dwelling or dependent person's unit must be connected to a reticulated sewerage system or if not available, the wastewater must be managed to the satisfaction of the responsible authority.
  - The dwelling or dependent person's unit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
  - The dwelling or dependent person's unit must be connected to a reticulated electricity supply or have an alternative energy source.
- A building must be constructed of materials that are non-reflective and of muted tones in the following locations:
  - Land in an Environmental Significance Overlay, Design and Development Overlay or Significant Landscape Overlay
  - Land in a Green Wedge Zone, Green Wedge A Zone or Rural Conservation Zone in the municipal districts of the Shire of Yarra Ranges and the Shire of Nillumbik.

## MORNINGTON PENINSULA PLANNING SCHEME

- For land in a Restructure Overlay, a building must be consistent with any Restructure Plan.
- For land adjacent to a Transport Zone 2 or Land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road, access must not be created or altered.

## 52.14-3

31/07/2018  
VC148

## Land in an Erosion Management Overlay

For land in an Erosion Management Overlay in the municipal district of the Shire of Yarra Ranges, in addition to the requirements specified in Clause 52.14-2, the written authorisation of the responsible authority must be obtained prior to:

- Constructing a building or constructing and carrying out works; or
- Removing, destroying or lopping vegetation.

## 52.14-4

31/07/2018  
VC148

## Land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay

For land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay, in addition to the requirements specified in Clause 52.14-2, the written authorisation of the relevant flood plain management authority must be obtained prior to the commencement of construction of a building or the construction or carrying out of works.

## 52.14-5

31/07/2018  
VC148

## Decision guidelines

Before deciding on approval of the site plan, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider as appropriate:

- The extent to which the siting of the building and associated development can reasonably achieve compliance with other relevant requirements of this scheme.
- The extent to which the replacement dwelling or dependent person's unit can be located on the land to assist the minimisation of risk to life and property from bushfire.

## MORNINGTON PENINSULA PLANNING SCHEME

52.15

29/10/2015  
VC101

## HELIPORT AND HELICOPTER LANDING SITE

## Purpose

To ensure the amenity impacts of a heliport and a helicopter landing site on surrounding areas is considered.

52.15-1

20/03/2023  
VC229

## Permit requirement

A permit is required to use or develop any land for a heliport or a helicopter landing site even if it is ancillary to another use on the land, unless the table to this Clause specifically states that a permit is not required.

## Table of exemptions for use

No permit is required to use land for a helicopter landing site if any of the following apply:	
Emergency services	The helicopter landing site is used by a helicopter engaged in the provision of emergency service operations.
Agriculture	The helicopter landing site is used by a helicopter engaged in agricultural activity in conjunction with the use of any land for agriculture.
Public land management	The helicopter landing site is used by a helicopter engaged in the provision of public land management activities conducted by or on behalf of any of the following: <ul style="list-style-type: none"> <li>▪ Department of Energy, Environment and Climate Action;</li> <li>▪ The Department of Transport and Planning;</li> <li>▪ Parks Victoria; or</li> <li>▪ The Great Ocean Road Coast and Parks Authority, whether on private land or not.</li> </ul>
General	The helicopter landing site where either: <ul style="list-style-type: none"> <li>▪ The landing point is located more than 500 metres from a building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne, provided:               <ul style="list-style-type: none"> <li>– The number of flight movements does not exceed eight in a 30 day period and four in a 24 hour period (for the purposes of this provision the take off and landing of a helicopter are separate flight movements).</li> <li>– Flight movements do not take place before 7am or after sunset on a weekday.</li> <li>– Flight movements do not take place before 8am or after sunset on a weekend or holiday; or</li> </ul> </li> <li>▪ The landing point is located more than 1000 metres from a building used for a sensitive use that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne.</li> </ul>

52.15-2

18/12/2012  
VC93

## Application requirements

An application to use or develop land for a heliport or a helicopter landing site must be accompanied by the following information, as appropriate:

- A site plan, including:
  - Site boundaries and dimensions.
  - The current land use.
  - The existing siting and layout of buildings and works.
  - The proposed siting and layout of buildings and works.
  - Existing vegetation and proposed vegetation removal.

## MORNINGTON PENINSULA PLANNING SCHEME

- Vehicle and pedestrian access.

An application to use land for a heliport or a helicopter landing site must be accompanied by the following information:

- A location plan, including:
  - The siting and use of buildings on adjacent properties.
  - The direction and distance to any building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and is located within 500 metres of the proposed heliport or helicopter landing site.
- A written report which:
  - Demonstrates a suitable separation distance between the landing point of a heliport or helicopter landing site and any building used for a sensitive use that is not associated with the helicopter operation by either:
    - Locating the proposed heliport or helicopter landing site at least 150 metres for helicopters of less than 2 tonnes all-up weight, or 250 metres for helicopters of less than 15 tonnes all-up weight, or
    - Providing an acoustic report by a suitably qualified consultant.
  - Includes details of the proposed frequency of flight movements.
  - Includes the proposed hours of operation.

52.15-3

18/12/2012  
VC93

## Decision guidelines

Before deciding on an application to use land for a heliport or a helicopter landing site, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- Whether the proposal achieves a suitable separation distance from a nearby sensitive use, having regard to the Noise Control Guidelines (Environment Protection Authority, 2008).
- The effect of the proposal on nearby sensitive uses in terms of the proposed frequency of flight movements and hours of operation.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.16

14/07/2022  
VC213

## NATIVE VEGETATION PRECINCT PLAN

## Purpose

To provide for the protection, management and removal of native vegetation through the use of a native vegetation precinct plan incorporated into this scheme.

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

## 52.16-1

12/12/2017  
VC138

## Application

This clause applies to land if a native vegetation precinct plan corresponding to that land is incorporated into this scheme and listed in the schedule to this clause.

## 52.16-2

14/07/2022  
VC213

## Native vegetation precinct plans

A native vegetation precinct plan is a plan relating to native vegetation within a defined area which is incorporated into this scheme and listed in the schedule to this clause.

A native vegetation precinct plan may form part of a more general strategic or precinct structure plan.

A native vegetation precinct plan must include the information and provide for the matters set out in section 10.1 of the Guidelines.

## 52.16-3

12/12/2017  
VC138

## Permit requirement

A permit is required to remove, destroy or lop any native vegetation including dead native vegetation. This does not apply:

- If the removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan incorporated into this scheme. Any conditions or requirements specified in the plan must be met.
- To the removal, destruction or lopping of native vegetation specified in the table to Clause 52.16-8, unless a native vegetation precinct plan specifies otherwise.

## 52.16-4

14/07/2022  
VC213

## Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

## 52.16-5

14/07/2022  
VC213

## Decision guidelines

Before deciding on an application in addition to the decision guidelines at Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.16-6

14/07/2022  
VC213

## Offset requirements

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and timing to secure the offset.

## 52.16-7

20/03/2023  
VC229

## Transitional provisions

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department's native vegetation information systems within 12 months before that date.

## 52.16-8

16/08/2024  
VC262

## Table of exemptions

The requirement to obtain a permit does not apply to:	
Conservation work	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:</p> <ul style="list-style-type: none"> <li>▪ which provides an overall improvement for biodiversity; and</li> <li>▪ with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</li> </ul>
Crown land	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:</p> <ul style="list-style-type: none"> <li>▪ by or on behalf of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987), the Great Ocean Road Coast and Parks Authority or Parks Victoria, and in accordance with the Procedure for the removal, destruction or lopping of native vegetation on Crown land; or</li> <li>▪ with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</li> </ul>
Emergency works	<p>Native vegetation that is to be removed, destroyed or lopped:</p> <ul style="list-style-type: none"> <li>▪ in an emergency by or on behalf of a public authority or municipal council to create an emergency access associated with emergency works; or</li> <li>▪ where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</li> </ul>
Extractive industry	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority under that Act.</p>
Fire protection	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out any of the following fire protection activities:</p>



## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

	<ul style="list-style-type: none"> <li>▪ fire fighting;</li> <li>▪ planned burning;</li> <li>▪ making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</li> <li>▪ making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</li> <li>▪ in accordance with a fire prevention notice issued under either:               <ul style="list-style-type: none"> <li>– section 87 of the Fire Rescue Victoria Act 1958;</li> <li>– section 65 of the Forests Act 1958; or</li> <li>– section 41 of the Country Fire Authority Act 1958.</li> </ul> </li> <li>▪ keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;</li> <li>▪ minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.</li> </ul> <p>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</p>
Geothermal energy exploration and extraction	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005.
Greenhouse gas sequestration and exploration	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008.
Land management or directions notice	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994.
Land use conditions	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994.
Mineral exploration and mining	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration mining, prospecting, or retention license issued under the Mineral Resources (Sustainable Development) Act 1990:</p> <ul style="list-style-type: none"> <li>▪ that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</li> <li>▪ in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</li> </ul> <p>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</p>
Pest animal burrows	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in accordance with the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988.
Planted vegetation	Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.

## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:	
	This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.
Railways	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).
Regrowth	<p>Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:</p> <ul style="list-style-type: none"> <li>▪ bracken (<i>Pteridium esculentum</i>); or</li> <li>▪ within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.</li> </ul> <p>This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</p>
Road safety	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).
Stone exploration	<ul style="list-style-type: none"> <li>▪ Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</li> </ul> <p>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> <li>▪ 1 hectare of native vegetation which does not include a tree.</li> <li>▪ 15 native trees with trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</li> <li>▪ 5 native trees with trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</li> </ul> <p>This exemption does not apply to costeaning and bulk sampling activities.</p>
Surveying	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licensed surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.
Traditional owners	<p>Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</p> <ul style="list-style-type: none"> <li>▪ a natural resource agreement under Part 6 of the Traditional Owner Settlement Act 2010; or</li> <li>▪ an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional Owner Settlement Amendment Act in 2016 (1 May 2017).</li> </ul>
Utility installations	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:</p> <ul style="list-style-type: none"> <li>▪ to maintain the safe and efficient function of a Minor utility installation; or</li> <li>▪ by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

52.16-9

14/07/2022  
VC213

## Melbourne Strategic Assessment Levy Area

The following provisions apply to the removal, destruction or lopping of native vegetation in the levy area within the meaning of the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020

Despite clauses 52.16-4, 52.16-5, 52.16-6 and anything in the Guidelines:

- An application to remove, destroy or lop native vegetation is not required to be accompanied by an offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- Before deciding on an application, a responsible authority is not required to consider whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- The biodiversity impacts of the removal, destruction or lopping of native vegetation are not required to be offset in accordance with the Guidelines.

MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

SCHEDULE TO CLAUSE 52.16 NATIVE VEGETATION PRECINCT PLAN

1.0  
05/08/2020  
VC176

Native vegetation precinct plan

Name of plan

None specified

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.17

14/07/2022  
VC213

## NATIVE VEGETATION

## Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

## 52.17-1

12/12/2017  
VC138

## Permit requirement

A permit is required to remove, destroy or lop native vegetation including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

## 52.17-2

14/07/2022  
VC213

## Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

## 52.17-3

12/12/2017  
VC138

## Property vegetation plans

A permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan must include the following condition:

“This permit will expire if one of the following circumstances applies:

- The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
- The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.”

## 52.17-4

12/12/2017  
VC138

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate.

## 52.17-5

14/07/2022  
VC213

## Offset requirements

If a permit is required to remove, destroy or lop native vegetation the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

## MORNINGTON PENINSULA PLANNING SCHEME

52.17-6

20/03/2023  
VC229

## Transitional provisions

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department's native vegetation information systems within 12 months before that date.

52.17-7

16/08/2024  
VC262

## Table of exemptions

The requirement to obtain a permit does not apply to:

Conservation work	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:</p> <ul style="list-style-type: none"> <li>▪ which provides an overall improvement for biodiversity; and</li> <li>▪ with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</li> </ul>
Crown land	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:</p> <ul style="list-style-type: none"> <li>▪ by or on behalf of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987), the Great Ocean Road Coast and Parks Authority or Parks Victoria, and in accordance with the Procedure for the removal, destruction or lopping of native vegetation on Crown land; or</li> <li>▪ with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</li> </ul>
Dead native vegetation	<p>Native vegetation that is dead.</p> <p>This exemption does not apply to a standing dead tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</p>
Emergency works	<p>Native vegetation that is to be removed, destroyed, or lopped:</p> <ul style="list-style-type: none"> <li>▪ in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency works; or</li> <li>▪ where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

## The requirement to obtain a permit does not apply to:

Existing buildings	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of a building constructed in accordance with a planning or building permit issued before 15 September 2008.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> <li>the operation or maintenance of a fence; or</li> <li>native vegetation located more than 10 metres measured from the outermost point of the building.</li> </ul>
Existing buildings and works in the Farming Zone and Rural Activity Zone	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of an existing building or works used for Agricultural production, including a dam, utility service, bore, horticultural trellising and accessway in the Farming Zone or the Rural Activity Zone.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> <li>the use or maintenance of a Dwelling; or</li> <li>the operation or maintenance of a fence; or</li> <li>native vegetation located more than 10 metres measured from the outermost point of the building or works.</li> </ul>
Extractive industry	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority under that Act.</p>
Fences	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:</p> <ul style="list-style-type: none"> <li>the operation or maintenance of an existing fence; or</li> <li>the construction of a boundary fence between properties in different ownership.</li> </ul> <p>The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.</p>
Fire protection	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to carry out any of the following fire protection activities:</p> <ul style="list-style-type: none"> <li>fire fighting;</li> <li>planned burning;</li> <li>making or maintenance of a fuelbreak or firefighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</li> <li>making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</li> <li>in accordance with a fire prevention notice issued under either: <ul style="list-style-type: none"> <li>section 87 of the Fire Rescue Victoria Act 1958;</li> <li>section 65 of the Forests Act 1958; or</li> <li>section 41 of the Country Fire Authority Act 1958.</li> </ul> </li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

- keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.

Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.

Geothermal energy exploration and extraction	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005.
Grasses	Native grass that is to be mowed or slashed for maintenance only, provided that the grass is: <ul style="list-style-type: none"> <li>▪ located within a lawn, garden or other landscaped area; or</li> <li>▪ maintained at a height of at least 10 centimetres above ground level.</li> </ul>
Grazing	Native vegetation that is to be removed, destroyed or lopped by domestic stock grazing on: <ul style="list-style-type: none"> <li>▪ freehold land; or</li> <li>▪ Crown land in accordance with a license, permit or lease granted under applicable legislation.</li> </ul>
Greenhouse gas sequestration and exploration	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008.
Harvesting for timber production – naturally established native vegetation	Naturally established native vegetation that is to be removed, destroyed or lopped to enable timber harvesting operations and associated activities that are in accordance with the Code of Practice for Timber Production 2014 (as amended 2022) (Department of Environment, Land, Water and Planning, 2022) and are: <ul style="list-style-type: none"> <li>▪ undertaken on public land under a licence or permit issued under section 52 of the Forests Act 1958; or</li> <li>▪ authorised in accordance with Part 5 of the Sustainable Forests (Timber) Act 2004.</li> </ul>
Land management or directions notice	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994.
Land use conditions	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994.



## MORNINGTON PENINSULA PLANNING SCHEME

## The requirement to obtain a permit does not apply to:

Lopping and pruning for maintenance	<p>Lopping or pruning native vegetation, for maintenance only, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> <li>the pruning or lopping of the trunk of a native tree; or</li> <li>native vegetation on a roadside or railway reservation.</li> </ul>
Mineral exploration and extraction	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention license issued under the Mineral Resources (Sustainable Development) Act 1990:</p> <ul style="list-style-type: none"> <li>that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</li> <li>in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</li> </ul> <p>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</p>
New buildings and works in the Farming Zone and Rural Activity Zone	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a building or works used for Agricultural production, including a dam, utility service, bore and accessway, in the Farming Zone or the Rural Activity Zone.</p> <p>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> <li>1 hectare of native vegetation which does not include a tree.</li> <li>15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</li> <li>5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</li> </ul> <p>This exemption does not apply to the construction or operation of a pivot irrigation system or horticultural trellising.</p>
New dwellings in the Farming Zone and Rural Activity Zone	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a dwelling in the Farming Zone or Rural Activity Zone.</p> <p>The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> <li>300 square metres of native vegetation which does not include a tree.</li> <li>5 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</li> <li>1 native tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</li> </ul> <p>This exemption does not apply native vegetation removed, destroyed or lopped to enable the construction of a swimming pool, tennis court or horse ménage.</p>

## MORNINGTON PENINSULA PLANNING SCHEME

## The requirement to obtain a permit does not apply to:

Personal use	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to obtain reasonable amounts of wood for personal use by the owner or lawful occupier of the land.</p> <p>For the purpose of this exemption personal use means uses such as heating and cooking, building and fence construction on land, and hobbies such as arts and craft.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> <li>contiguous land in one ownership that has an area of less than 10 hectares;</li> <li>the removal, destruction or lopping of native vegetation by means other than cutting or chopping; or</li> <li>a standing native tree (including a dead tree) with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</li> </ul>
Pest animal burrows	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in the Farming Zone or the Rural Activity Zone:</p> <ul style="list-style-type: none"> <li>in accordance with written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988; or</li> <li>provided the maximum extent of native vegetation removed, destroyed or lopped on contiguous land in the same ownership in a five year period does not exceed any of the following: <ul style="list-style-type: none"> <li>1 hectare of native vegetation which does not include a tree; or</li> <li>15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.</li> </ul> </li> </ul>
Planted vegetation	<p>Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.</p> <p>This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.</p>
Railways	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</p>
Regrowth	<p>Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:</p> <ul style="list-style-type: none"> <li>less than 10 years old; or</li> <li>bracken (<i>Pteridium esculentum</i>); or</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

- within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation; or
- less than ten years old at the time of a property vegetation plan being signed by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987), and is:
  - shown on that plan as being 'certified regrowth'; and
  - on land that is to be used or maintained for cultivation or pasture during the term of that plan.

This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.

Road safety	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).
Site area	Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.  This exemption does not apply to native vegetation on a roadside or rail reservation.
Stock movements on roads	Native vegetation that is to be removed, or destroyed by stock being moved along a road.  This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.
Stone exploration	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.  The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following: <ul style="list-style-type: none"> <li>▪ 1 hectare of native vegetation which does not include a tree.</li> <li>▪ 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</li> <li>▪ 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</li> </ul> This exemption does not apply to costeaning and bulk sampling activities.
Surveying	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.
Traditional owners	Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:

## MORNINGTON PENINSULA PLANNING SCHEME

The requirement to obtain a permit does not apply to:

- a natural resource agreement under Part 6 of the Traditional Owner Settlement Act 2010; or
- an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional Owner Settlement Amendment Act in 2016 (1 May 2017).

Tram stops	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.
Transport land	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).
Utility installations	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary: <ul style="list-style-type: none"> <li>▪ to maintain the safe and efficient function a Minor utility installation; or</li> <li>▪ by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</li> </ul>
Vehicle access from public roads	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road.</p> <p>This exemption only applies to properties which share a common boundary with the road reserve, and the total width of clearing must not exceed 6 metres.</p> <p>This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.</p> <p>In this exemption, roadside and public road have the same meanings as in section 3 of the Road Management Act 2004.</p> <p>Note: Under the Road Management Act 2004 the written consent of the coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.</p>
Weeds	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to Clause 52.17.</p> <p>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> <li>▪ 1 hectare of native vegetation which does not include a tree.</li> <li>▪ 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

52.17-8

14/07/2022  
VC213

## Melbourne Strategic Assessment Levy Area

The following provisions apply to the removal, destruction or lopping of native vegetation in the levy area within the meaning of the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020

Despite clauses 52.17-2, 52.17-4, 52.17-5 and anything in the Guidelines:

- An application to remove, destroy or lop native vegetation is not required to be accompanied by an offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- Before deciding on an application, a responsible authority is not required to consider whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- The biodiversity impacts of the removal, destruction or lopping of native vegetation are not required to be offset in accordance with the Guidelines.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 52.17 NATIVE VEGETATION

## 1.0

22/07/2021  
C255morn

## Scheduled area

Area	Description of native vegetation for which no permit is required to remove, destroy or lop
None specified	

## 2.0

22/07/2021  
C255morn

## Scheduled weed

Area	Description of weed
Whole municipality	Sweet Pittosporum (Pittosporum undulatum)

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.18

28/10/2022  
VC224

## CORONAVIRUS (COVID-19) PANDEMIC AND RECOVERY EXEMPTIONS

## Purpose

To support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through exemptions that enable outdoor dining and facilitate the reopening and safe operation of hospitality and other businesses.

## 52.18-1

11/10/2024  
VC270

## Operation

This clause contains exemptions from the requirements of this planning scheme and exemptions from conditions of permits.

The exemptions in this clause prevail over any inconsistent provision in this planning scheme or condition of a permit.

The exemptions in this clause do not apply to a requirement in the Heritage Overlay relating to the construction or carrying out of works to an existing building, the alteration of an existing building, or the painting of an existing building, other than a building constructed or placed under an exemption in this clause.

A use or development carried out under an exemption in this clause must comply with the requirements in clause 52.18-6.

In this clause:

- drink includes liquor;
- exemption period means the period when a pandemic declaration under the Public Health and Wellbeing Act 2008 in relation to coronavirus (COVID-19) is in force and for 36 months after;
- hospitality means:
  - the preparation or sale of food or drink for immediate consumption on, or off, the land; or
  - the consumption of food or drink;
- public land means Crown land and land that is owned by, vested in or controlled by a Minister, government department, public authority or municipal council.

## 52.18-2

28/10/2022  
VC224

## Public land exemptions

Any requirement in this planning scheme relating to the use of land does not apply to the use of public land for an art and craft centre, education centre, hospitality, leisure and recreation office, place of assembly, market or shop during the exemption period if the requirements of clause 52.18-6 are met.

Any requirement in this planning scheme relating to the construction of a building or the construction or carrying out of works on public land does not apply to a temporary building or moveable building associated with the use of land for an art and craft centre, education centre, hospitality, leisure and recreation office, place of assembly, market or shop during the exemption period if the requirements of clause 52.18-6 are met.

## 52.18-3

28/10/2022  
VC224

## Food and drink business extension exemptions

Any requirement in this planning scheme relating to the use of land does not apply to the use of land for hospitality during the exemption period if the use is associated with the existing use of adjoining land for a food and drink premises, function centre, nightclub or winery, and the requirements of clause 52.18-6 are met.

## MORNINGTON PENINSULA PLANNING SCHEME

Any requirement in this planning scheme relating to the construction of a building or the construction or carrying out of works does not apply to a temporary building or moveable building associated with the use of the land for hospitality during the exemption period if the requirements of clause 52.18-6 are met.

## 52.18-4

28/10/2022  
VC224

## Car parking exemption

Any requirement of this planning scheme relating to the provision of car parking does not apply to a use commenced under an exemption in this clause, or the existing use of land for a food and drink premises function centre, nightclub or winery, during the exemption period.

## 52.18-5

28/10/2022  
VC224

## Permit condition exemptions

The following exemptions apply to permits issued before the approval date of Amendment MC193 and which allow:

- the use or development of land for a food and drink premises function centre, nightclub or winery; or
- the use or development of land for the sale or consumption of liquor associated with the use of the land for a food and drink premises function centre, nightclub or winery.

Any requirement of a permit, including any condition, relating to the layout or location of the preparation, sale or consumption of food or drink on the land does not apply during the exemption period if the requirements of clause 52.18-6 are met. This exemption does not apply to a condition relating to the maximum number of patrons, hours of operation (including any condition that applies to a particular outdoor area), location or playing of music, or noise levels.

Any requirement of a permit, including any condition, relating to the layout or location of development on the land does not apply to the construction or placing of a temporary building or moveable building, or the construction or carrying out of works, under an exemption in this clause if the requirements of clause 52.18-6 are met.

Any requirement of a permit, including any condition, that requires the provision of car parking, or requires land to be set aside for vehicle access or car parking, does not apply to the alteration of an existing use of land under an exemption in this clause during the exemption period if the requirements of clause 52.18-6 are met.

## 52.18-6

15/03/2024  
VC256

## Use and development requirements

The following requirements apply to the use and development of land carried out under an exemption in this clause.

The use of the land must not:

- Continue after the exemption period unless in accordance with the requirements of this planning scheme.
- Unreasonably affect the amenity of the neighbourhood including through:
  - Transport of materials, goods or commodities to or from the land.
  - Appearance of any building, works or materials.
  - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

Land in, or within 30 metres of, a residential zone must not be used for the outdoor consumption of food or drink between the hours of 10.00pm and 7.00am. The responsible authority may vary this requirement to extend the hours of the use.

The use or development of land must not impede access required by emergency services or for waste collection.



## MORNINGTON PENINSULA PLANNING SCHEME

The height of a building constructed or placed under an exemption in this clause must not exceed 3.6 metres.

A building must not be constructed or placed under an exemption in this clause within 1 metre of adjacent land in a residential zone if the height of the building exceeds 1.8 metres.

The siting of a building in a Bushfire Management Overlay or Erosion Management Overlay that would require a permit under the overlay were it not for an exemption in this clause must be to the satisfaction of the responsible authority.

The siting of a building in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay that would require a permit under the overlay were it not for an exemption in this clause must be to the satisfaction of the relevant floodplain management authority.

A building constructed or placed under an exemption in this clause must be removed from the land before the end of the exemption period.

## MORNINGTON PENINSULA PLANNING SCHEME

52.19

04/11/2022  
VC226

## TELECOMMUNICATIONS FACILITY

## Purpose

To ensure that telecommunication infrastructure is provided in an efficient and cost-effective manner to meet community needs.

To facilitate an effective state-wide telecommunication network consistent with proper and orderly planning.

To support the provision of telecommunication facilities with minimal impact on the amenity of the area.

52.19-1

04/11/2022  
VC226

## Permit requirement

A permit is required to construct a building or construct or carry out works for a telecommunication facility. This does not apply to the construction of a building or the construction or carrying out of works for any of the following:

- A low-impact facility specified in the Telecommunication (Low-impact Facilities) Determination 2018 (Cth).
- The inspection and maintenance of a facility as defined in the Telecommunication Act 1997 (Cth).
- A facility authorised by a facility installation permit issued under the Telecommunication Act 1997 (Cth).
- An activity authorised under clause 6(2) of Division 3 of Schedule 3 of the Telecommunications Act 1997 (Cth).
- An activity carried out by a body listed in sections 46 to 51 (inclusive) of the Telecommunication Act 1997 (Cth) pursuant to legislation applying to that body.
- A temporary defence facility.
- A telecommunication facility equipment shelter
- A telecommunication line forming part of a telecommunication network connected to a building, caravan or mobile home.
- An optical fibre groundwire that replaces an electricity groundwire on a high-voltage transmission tower that supports power lines designed to operate at 222,000 volts or greater
- A telecommunication facility located underground if any ground disturbed in constructing or installing the facility is reinstated.
- A telecommunication dish with a diameter of 1.2 metres or less.
- A telecommunication dish with a diameter of more than 1.2 metres and less than or equal to 2.4 metres if the following requirements are met:
  - If the dish is in a Heritage Overlay, it must not be visible from a street (other than a lane) or public park.
  - If the dish is in a residential zone, it must:
    - Be setback from the side or rear boundary 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres plus 1 metre for every metre of height over 6.9 metres.
    - Be setback at least 3 metres from a boundary opposite an existing habitable room window.
    - Not be visible from the street (other than a lane) or a public park.

## MORNINGTON PENINSULA PLANNING SCHEME

- A telecommunication tower that replaces an existing light pole on public land if the following requirements are met:
  - The public land manager must be a municipal council.
  - The tower must not be more than 8 metres higher than the light pole.
- A telecommunication tower that replaces an existing telecommunication tower on the same land if the following requirements are met:
  - The tower must not be in a residential zone, or a Significant Landscape Overlay Heritage Overlay or Neighbourhood Character Overlay
  - The tower must not be more than 8 metres higher than the existing tower.
  - The tower must not be a lattice tower.
  - The tower must be located within 20 metres of the existing tower.
  - The existing tower must be removed within 60 days of the new tower commencing operation.
- The extension of an existing telecommunication tower if the following requirements are met:
  - The tower must not be in a residential zone.
  - The height of the extension must not exceed 8 metres.
  - The tower must not have been previously extended without a permit.
  - The tower must have been constructed for 12 months before the extension.
- A telecommunication facility on a building if the following requirements are met:
  - If the building is in a residential zone, the height of the facility must not be more than 1 metre higher than the building height of the building.
  - If the building is in a zone other than a residential zone, the height of the facility must not be more than 8 metres higher than the building height of the building.
- A telecommunication facility that provides service coverage during routine or emergency maintenance of an existing facility, construction or installation of a new facility, or additional service coverage for an event, if the following requirements are met:
  - The height of the facility must not exceed 25 metres above its base or the height of the existing facility, whichever is the greater
  - The facility must not be located on the land for more than a total of 4 months in any 12 month period.

## 52.19-2

04/11/2022  
VC226

## Land in public ownership

An application affecting land in a public land zone must be accompanied by written confirmation from the public land manager that the public land manager consents generally or conditionally:

- To the application being made, or
- To the application being made and to the proposed development.

This requirement does not apply if the applicant is the public land manager

## 52.19-3

04/11/2022  
VC226

## Exemptions from notice and review

An application under any provision of this planning scheme to construct a building or construct or carry out works for a telecommunication facility is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to:

## MORNINGTON PENINSULA PLANNING SCHEME

- An application under a Significant Landscape Overlay, a Heritage Overlay or Neighbourhood Character Overlay
- An application under a public land zone if the responsible authority is not the public land manager
- An application for any of the following:
  - A telecommunication dish.
  - A telecommunication facility on a building within 100 metres of a residential zone.
  - A telecommunication facility on a building within 100 metres of a dwelling not on the same land or land in contiguous ownership.
  - A telecommunication tower in a residential zone.
  - A telecommunication tower within 100 metres of a residential zone.
  - A telecommunication tower within 100 metres of a dwelling not on the same land or land in contiguous ownership.

An application under any provision of this planning scheme to use or develop land for a telecommunication facility is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the telecommunication facility is funded, or partly funded, by the Commonwealth through the Mobile Black Spot Program or the State of Victoria.

52.19-4

04/11/2022  
VC226

## Application requirements

An application must be accompanied by the following information as appropriate:

- A site analysis and design response explaining the design, siting, construction and operation of the telecommunication facility.
- Site boundaries and dimensions.
- The purpose and location of all buildings and works required in the construction of the facility.
- The location of all existing buildings and works to be retained and demolished.
- The location of all proposed buildings and works including dimensions, elevations, materials, colours and finishes.
- The location and use of all buildings on adjoining properties.
- The location of all adjoining streets and access ways.
- Australian Height Datum levels.
- Natural drainage lines, water courses, coastal dunes, beach systems and wetlands.
- Proposals for the rehabilitation of the land on which developments to occur
- Roads and parking areas.
- Materials, landscaping, external lighting, colour and reflectivity.

52.19-5

04/11/2022  
VC226

## Decision guidelines

Before deciding on an application in addition to the decision guidelines of clause 65, the responsible authority must consider as appropriate:

- The design, siting, construction and operation of the telecommunication facility.
- The effect of the telecommunication facility on adjacent land.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.20

19/12/2024  
VC273

## GOVERNMENT FUNDED HOUSING DEVELOPMENT

## Purpose

To facilitate the use and development of land for housing projects funded wholly or partly, by the Victorian or Commonwealth Government.

To ensure that development does not unreasonably impact on the amenity of adjoining dwellings or small second dwellings.

## 52.20-1

19/12/2024  
VC273

## Application

This clause applies to the use or development of land that is:

- Funded wholly or partly, by the Victorian or Commonwealth Government and
- Carried out by or on behalf of the Chief Executive Officer, Homes Victoria.

This clause does not apply to:

- The subdivision of land.
- The use or development of land in an industrial zone, rural zone or Port Zone.
- The use or development of land in a Bushfire Management Overlay
- A use or development to which Clause 51.01- Specific Site and Exclusions, or Clause 45.12 - Specific Controls Overlay, or any schedule to the clauses apply.
- A use or development that would not require a permit under a provision of this planning scheme were it not for the exemption in Clause 52.20-2.
- A use or development that is inconsistent with an applicable Statement of Planning Policy.
- A development for which an environmental effects statement has been, or is required to be, prepared under the Environment Effects Act 1978

In this clause, Chief Executive Officer, Homes Victoria means 'Chief Executive Officer, Homes Victoria' as defined in the Housing Act 1983 and the body corporate established under the Housing Act 1983

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

## 52.20-2

20/12/2021  
VC207

## Exemption from planning scheme requirements

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any use or development Clause 52.20 applies to if requirements of this clause are met.

This exemption does not apply to a requirement in Clauses 45.03 (Environmental Audit Overlay), 45.07 (City Link Project Overlay), 45.08 (Melbourne Airport Environs Overlay), 51.03 (Upper Yarra Valley & Dandenong Ranges Regional Strategy Plan) or 52.02 (Easements, Restrictions and Reserves) or in any schedule to those clauses.

## 52.20-3

19/12/2024  
VC273

## Use and development requirements

The use and development of land must be carried out in accordance with the plans and documents approved under this clause to the satisfaction of the Minister for Planning. Plans and documents may be amended to the satisfaction of the Minister for Planning.

The use and development of land to be carried out to the satisfaction of the Minister for Planning must not commence until funding from the Victorian or Commonwealth Governments is approved.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.20-4

14/07/2022  
VC230

## Consultation requirements

Before plans, documents and information required under Clause 52.20-5 are submitted:

- Public consultation and consultation with the relevant municipal council, on the plans, documents and information proposed to be submitted under Clause 52.20-5; and
- A report that summarises the consultation undertaken, feedback received, and explain how the feedback has been considered and responded to, must be completed.

The requirements of Clause 52.20-4 must be undertaken to the satisfaction of the Minister for Planning and may be varied or waived by the Minister for Planning.

## 52.20-5

19/12/2024  
VC273

## Requirements for plans and documents

The following plans, documents and information must be prepared and submitted to the satisfaction of the Minister for Planning:

- Written confirmation from Homes Victoria or the Chief Executive Officer, Homes Victoria that the application is funded, either wholly or partly, by the Victorian or Commonwealth Government.
- A project boundary plan that shows the boundary of the land on which the use or development will be undertaken.
- A site description and analysis plan that accurately describes the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the site and surrounding area including the existing use and development of the site and surrounding land.
- A description of the proposed use including:
  - The activities that will be carried out.
  - The likely effects, if any, on the site and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation.
- Detailed plans and elevations of the proposed development drawn to scale and dimensioned, including details of any buildings or works proposed to be demolished or removed, and any vegetation proposed to be retained or removed.
- Explanation of how the proposed use or development derives from and responds to the site description and analysis plan.
- A report that addresses the proposed use or development and how:
  - It responds to the purposes, objectives, decision guidelines or statements of significance or risk of any zone, overlay or other provision that would apply to the use or development were it not for the exemptions in Clause 52.20-2. This does not include Clauses 54, 55, 58 and 59.
  - A proposed use that is not a dwelling or residential building is in conjunction with that use.
  - It complies with Clause 52.20-8 Native vegetation requirement.
- A design review report prepared by a suitably qualified architect or urban designer that demonstrate how the project achieves good quality design outcomes.
- A schedule of works and development including staging and the expected commencement and completion times.
- A report that detail show the proposed development responds to the development standards of:
  - Clause 52.20-6 for the construction or extension of a dwelling.

## MORNINGTON PENINSULA PLANNING SCHEME

- Clause 52.20-6 and Clause 52.20-7 for the construction or extension of an apartment development or residential building or the construction or extension of a dwelling in or forming part of an apartment development or residential building. The development standards of Clause 52.20-6.8 does not apply to an apartment development or residential building of 5 or more storeys. The development standards of Clause 52.20-6.5, 52.20-6.14, 52.20-6.18 and 52.20-6.21 do not apply to an apartment development or residential building.
- If the Minister for Planning has decided that an assessment through an environmental effects statement under the Environmental Effects Act 1978 is not required for the proposed development and the decision is subject to conditions:
  - A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.
  - A copy of any report, plan or other document required to be prepared under those conditions.
- A plan for the management or mitigation of potential adverse effects or impacts on the environment or amenity from the proposed use or development during and following construction.
- If the use or development would require a permit were it not for the exemption in Clause 52.20-2 and a copy of the application for that permit would be required to be given to a referral authority under section 55 of the Act, the comments of that referral authority on the proposed use or development.
- Any other plan, document or information the Minister for Planning considers necessary to assist the assessment of the proposed use or development or the plans and documents required to be prepared under this clause. This may include street elevations, three dimensional modelling or other methods to describe the proposal.
- A report that demonstrates that the environmental conditions of the land are or will be suitable for the use and development including any significant effects which the use or development may have on the environment or which the environment may have on the use or development including water, noise, air or land pollution impacts on the environment, amenity or human health.

The requirements of this clause may be:

- Satisfied for separate components or stages of a use or development but each requirement must be satisfied prior to the commencement of that component or stage.
- Varied or waived by the Minister for Planning.

52.20-6

01/01/2024  
VC250

52.20-6.1

Development standards for dwellings and buildings

Infrastructure

Developments should be connected to reticulated services including reticulated sewerage, drainage and electricity.

Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.20-6.2 Street setback

Walls of buildings should be setback from streets at least the distance specified in Table 1. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setback of this standard.

Table 1 Street setback

Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of either existing building on the abutting allotments facing the front street or 7 metres, whichever is the lesser.	Not applicable.
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7 metres, whichever is the lesser.	Not applicable.
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Transport Zone 2 and 4 metres for other streets.	Not applicable.
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

## 52.20-6.3 Permeability

The site area covered by the pervious surfaces should be at least 20 percent of the site.

## 52.20-6.4 Safety

Entrances to dwellings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided.



## MORNINGTON PENINSULA PLANNING SCHEME

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

## 52.20-6.5 Access

The width of accessway or car spaces that front existing streets should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

## 52.20-6.6 Parking location

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessway or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

## 52.20-6.7 Car parking

A minimum 0.6 car spaces should be provided to each dwelling. A minimum 1 car space should be provided to each 4 bedrooms of a residential building.

Car parking for other land uses must be to the satisfaction of the Minister for Planning.

Car spaces may be covered or uncovered.

If in calculating the number of car parking spaces the result is not a whole number the required number of car parking spaces is to be rounded down to the nearest whole number greater than 1.

Accessway design

Accessways must:

- Be at least 3 metres wide.
- Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.
- Allow vehicles parked in the last space of a dead-end accessway to exit in a forward direction with one manoeuvre.
- Provide at least 2.1 metres headroom beneath overhead obstructions calculated for a vehicle with a wheelbase of 2.8 metres.

## MORNINGTON PENINSULA PLANNING SCHEME

- If the accessway serves four or more car spaces or connects to a road in a Transport Zone 2 or a Transport Zone 3, the accessway must be designed so that cars can exit the site in a forward direction.
- Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or a Transport Zone 3.
- Have a corner play or area at least 50 percent clear of visual obstruction extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstruction may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas provided the landscaping in those areas is less than 900mm in height.

## Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

Table 2: Minimum dimensions of car parking spaces and accessways

Angle of car parking spaces to access way	Accessway width	Car space width	Car space length
Parallel	3.6 m	2.3 m	6.7 m
45°	3.5 m	2.6 m	4.9 m
60°	4.9 m	2.6 m	4.9 m
90°	6.4 m	2.6 m	4.9 m
	5.8 m	2.8 m	4.9 m
	5.2 m	3.0 m	4.9 m
	4.8 m	3.2 m	4.9 m

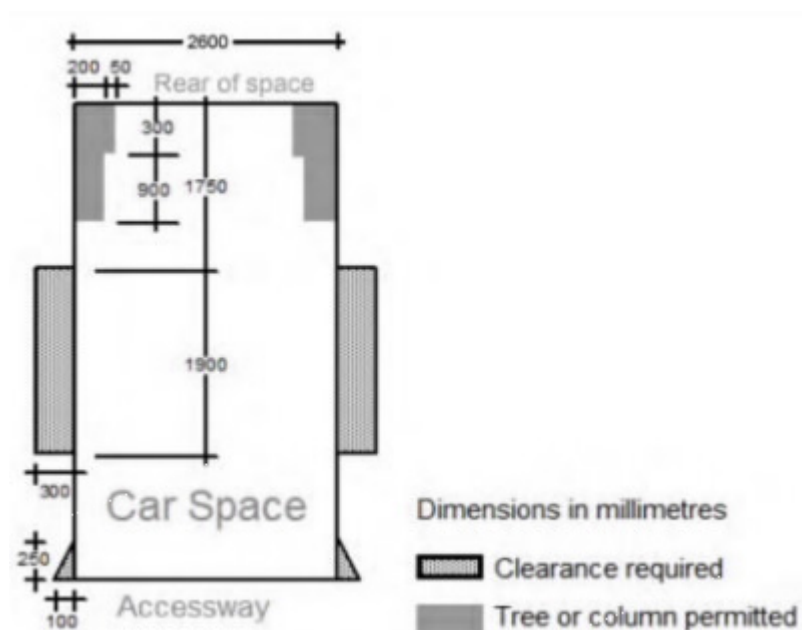
Note: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance' required on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

## MORNINGTON PENINSULA PLANNING SCHEME

Diagram 1 Clearance to car parking spaces



Carspaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Where parking spaces are provided in tandem (one space behind the other) an additional 500mm in length must be provided between each space.

Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.

#### Gradients

Accessway grades must not be steeper than 1:10 (10 percent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the carpark; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicle travelling in a forward direction.

Table 3: Ramp gradients

Type of car park	Length of ramp	Maximum grade
Public car parks	20 metres or less	1:5 (20%)
	longer than 20 metres	1:6 (16.7%)
Private or residential car parks	20 metres or less	1:4 (25%)
	longer than 20 metres	1:5 (20%)

Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 percent) for a summit grade change or greater than 1:6.7 (15 percent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.

## MORNINGTON PENINSULA PLANNING SCHEME

Plans must include an assessment of grade changes of greater than 1:5.6 (18 percent) or less than 3 metres apart for clearances to the satisfaction of the Minister for Planning.

## Mechanical parking

Mechanical parking may be used to meet the car parking standard provided:

- At least 25 percent of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres.
- Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
- The design and operation is to the satisfaction of the Minister for Planning.

## Urban design

Ground level car parking garaged doors and accessways must not visually dominate public space.

Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible including through the use of occupied enclosures and landscaping, architectural treatments and art works.

Design of car parks must take into account their use as entry points to the site.

Design of new internal streets in developments must maximise on street parking opportunities.

## Safety

Car parking must be well lit and clearly signed.

The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

Pedestrian access to car parking areas from the street must be convenient.

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.

## Landscaping

The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.

Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

## 52.20-6.8

## Side and rear setbacks

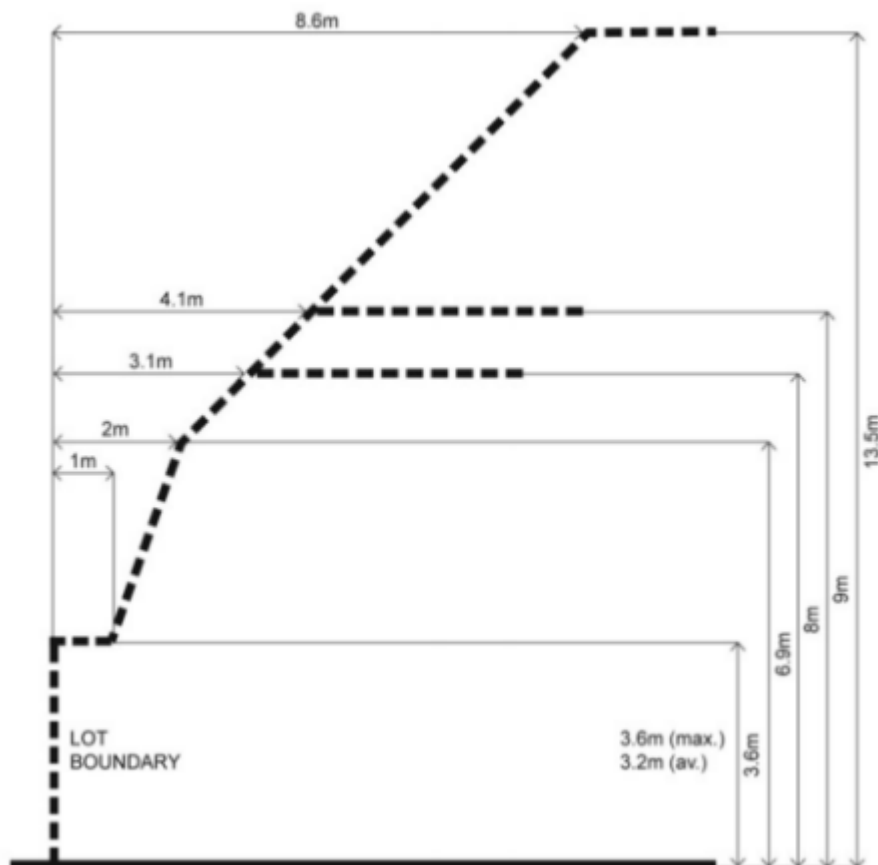
A new building not on or within 200mm of a boundary to a residential zone should be setback from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres plus 1 metre for every metre of height over 6.9 metres. Diagram 2 details the standard.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

## MORNINGTON PENINSULA PLANNING SCHEME

Diagram 2 Side and rear setbacks



## 52.20-6.9 Walls on boundaries

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:

- 10 metres plus 25 percent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary

A building on a boundary includes a building setback up to 200mm from a boundary

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

## MORNINGTON PENINSULA PLANNING SCHEME

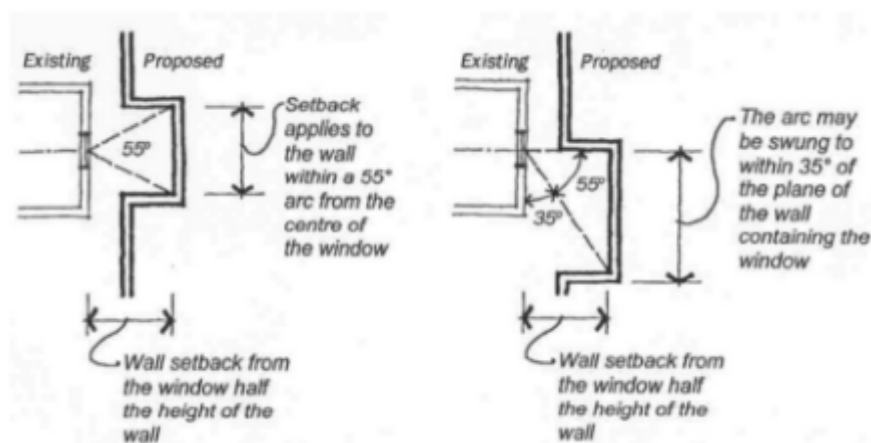
## 52.20-6.10 Daylight to existing windows

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be setback from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram 3 Daylight to existing windows

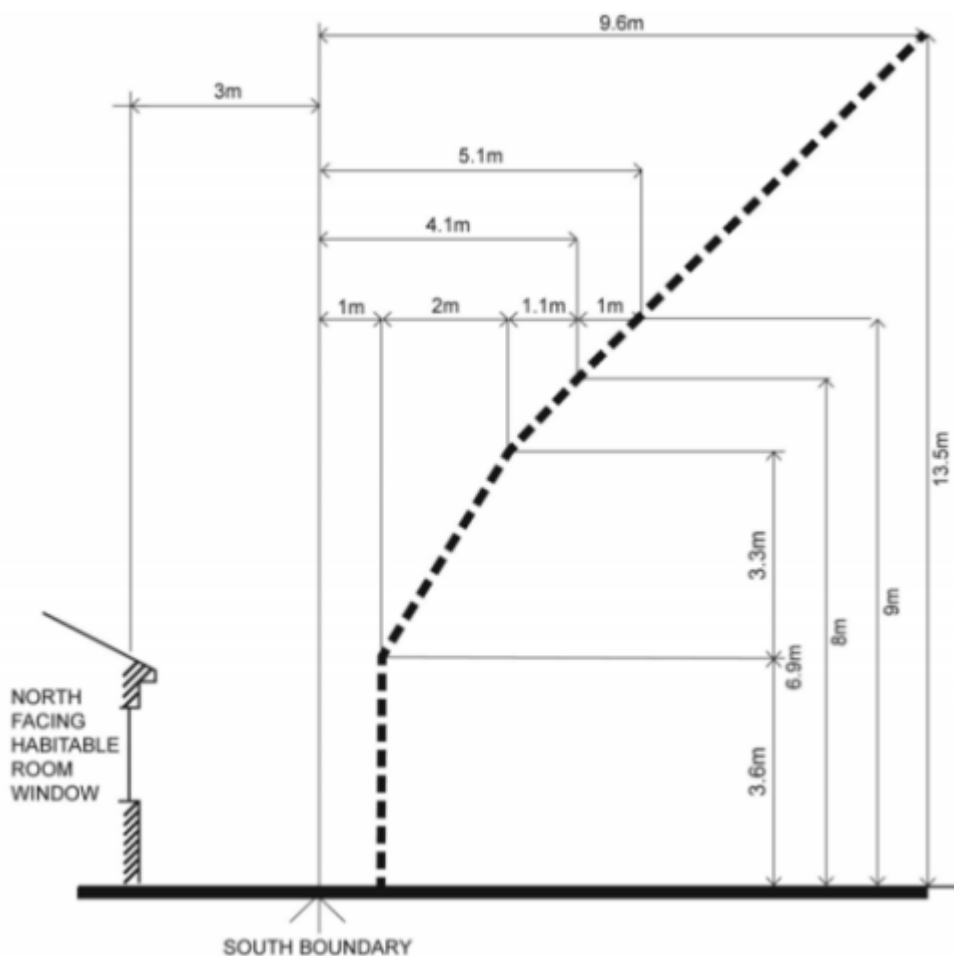


## 52.20-6.11 North-facing windows

If a north-facing habitable room window of an existing dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

## MORNINGTON PENINSULA PLANNING SCHEME

Diagram 4 North-facing windows



## 52.20-6.12 Overshadowing open space

Where sunlight to the secluded private open space of an existing dwelling or small second dwelling is reduced at least 75 percent, or 40 square metres with minimum dimension of 3 metres whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

## 52.20-6.13 Overlooking

A habitable room window, balcony terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or a small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony terrace, deck or patio should be either:

## MORNINGTON PENINSULA PLANNING SCHEME

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metres above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 percent transparent.

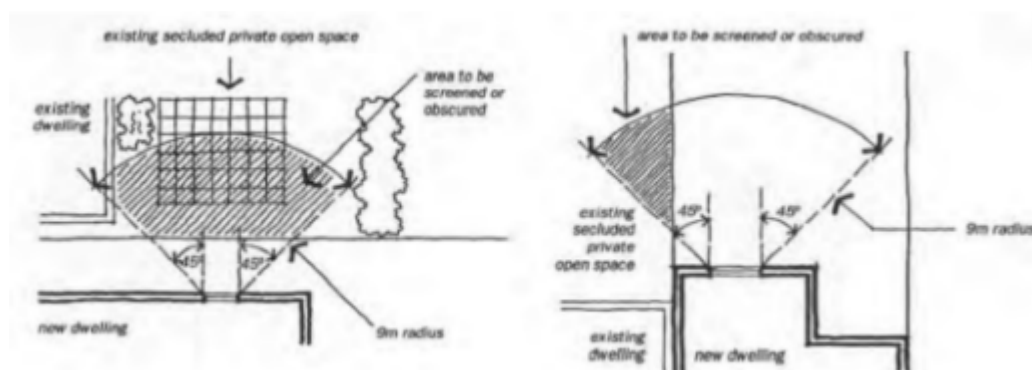
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 percent openings or solid translucent panels.
- Permanent fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony terrace, deck or patio is less than 0.8 metres above ground level at the boundary

Diagram 5 Overlooking open space



#### 52.20-6.14 Noise impacts

Noise sources such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

#### 52.20-6.15 Daylight to new windows

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A veranda provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter



## MORNINGTON PENINSULA PLANNING SCHEME

## 52.20-6.16 Private open space

A dwelling (other than an apartment) should have private open space consisting of:

- An area of secluded private open space with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

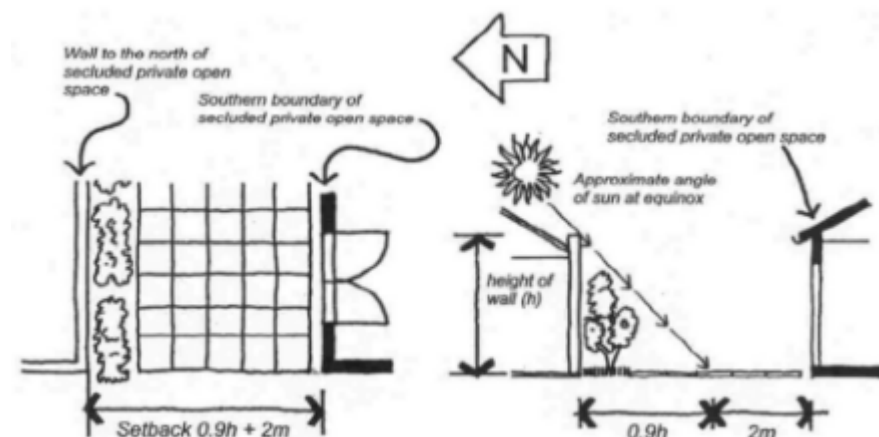
Secluded private open space may be located in the front setback if it is no more than 30% of the street frontage.

## 52.20-6.17 Solar access to open space

The private open space should be located on the north side of the dwelling if appropriate.

The southern boundary of secluded private open space should be setback from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.

Diagram 6 Solar access to open space



## 52.20-6.18 Storage

A dwelling should have convenient access to at least 6 cubic metres of externally accessible secure storage space.

## 52.20-6.19 Front fence

A front fence within 3 metres of a street should not exceed a maximum height of:

- 2 metres for streets in a Transport Zone 2, and
- 1.5 metres in other streets or where secluded private open space is proposed within the front setback the front fence may reach a height of up to 1.8 metres for not more than 30% of the length of the boundary

## 52.20-6.20 Common property

Developments should clearly delineate public, communal and private areas.

## MORNINGTON PENINSULA PLANNING SCHEME

Common property where provided, should be functional and capable of efficient management.

## 52.20-6.21 Site services

The design and layout of buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Bin and recycling enclosures should be located for convenient access by residents.

Mailboxes should be provided and located for convenient access as required by Australia Post.

## 52.20-7 Development standards for apartments

15/03/2024  
VC256

## 52.20-7.1 Energy efficiency

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open spaces should be located on the north side of the development if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table 4 should not exceed the maximum NatHERS annual cooling load.

Table 4 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.20-7.2 Communal open space

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and consist of multiple separate areas of communal open space.

Each area of communal open space should be:

- Accessible to all residents.
- A useable size, shape and dimension.
- Capable of efficient management.
- Located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings or small second dwellings.

Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

## 52.20-7.3 Solar access to communal outdoor open space

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 percent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

## 52.20-7.4 Landscaping

Developments should retain existing trees and canopy cover.

Developments should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Developments should:

- Provide the canopy cover and deep soil area specified in Table 5. Existing trees can be used to meet the canopy cover requirements of Table 5.
- Provide canopy cover through canopy trees that are:
  - Located in an area of deep soil specified in Table 6. Where deep soil cannot be provided, trees should be provided in planters specified in Table 6.
  - Consistent with the canopy diameter and height at maturity specified in Table 7.
  - Located in communal outdoor open space or common areas or street frontages.
- Comprise small trees, shrubs and ground cover, including flowering native species.
- Include landscaping such as climbing plants or smaller plants in planters in the street frontage and in outdoor areas including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface material that lower surface temperature and reduce heat absorption.

## MORNINGTON PENINSULA PLANNING SCHEME

- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage pattern of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table 5 Canopy cover and deep soil requirements

Site area	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 - 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2501 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table 6 Soil requirements for trees

Tree type	Tree in deep soil Area of deep soil	Tree in planter Volume of planter	Depth of planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension 6.5 metres)	1.5 metre

Note: Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.

## MORNINGTON PENINSULA PLANNING SCHEME

Table 7 Tree types

Tree types	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	4 metres
B	8 metres	8 metres
C	12 metres	12 metres

## 52.20-7.5 Integrated water and stormwater management

Buildings should be connected to a non-potable dual pipe reticulated water supply where available from the water authority.

The stormwater management systems should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

## 52.20-7.6 Building setback

The built form of the development should respect the existing urban context and respond to the features of the site.

Buildings should be setback from side and rear boundaries and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings or small second dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.

## 52.20-7.7 Noise impacts

Noise sources such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services non-residential uses, car parking, communal areas and other dwellings or small second dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area as specified in Table 8 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas assessed as an LAeq,16h from 6am to 10pm.

## MORNINGTON PENINSULA PLANNING SCHEME

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table 8 Noise influence area

Noise Source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

52.20-7.8

## Accessibility

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table 9.

Table 9 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower
Door design	Either: <ul style="list-style-type: none"> <li>▪ A slide door, or</li> <li>▪ A door that opens outwards, or</li> <li>▪ A door that opens inwards that is clear of the circulation area and has readily removable hinges.</li> </ul>	Either: <ul style="list-style-type: none"> <li>▪ A slide door, or</li> <li>▪ A door that opens outwards, or</li> <li>▪ A door that opens inwards and has readily removable hinges.</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

	Design option A	Design option B
Circulation area	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> <li>A minimum area of 1.2 metres by 1.2 metres.</li> <li>Located in front of the shower and the toilet.</li> <li>Clear of the toilet, basin and the door swing.</li> </ul> <p>The circulation area for the toilet and shower can overlap.</p>	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> <li>A minimum width of 1 metre.</li> <li>The full length of the bathroom and a minimum length of 2.7 metres.</li> <li>Clear of the toilet and basin.</li> </ul> <p>The circulation area can include a shower area.</p>
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

52.20-7.9

## Building entry and circulation

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sightlines.

52.20-7.10

## Private open space

A dwelling should have private open space consisting of at least one of the following:

- An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- A balcony with an area and dimensions specified in Table 10 and convenient access from a living room. If a cooling or heating unit is located on a balcony the balcony should provide an additional area of 1.5 square metres.

## MORNINGTON PENINSULA PLANNING SCHEME

- An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table 10 do not apply if at least the area specified in Table 11 is provided as living area or bedroom area in addition to the minimum area specified in Table 13 or Table 14.

Table 10 Balcony size

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 or more bedroom dwelling	12 square metres	2.4 metres

Table 11 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom dwelling	8 square metres
2 bedroom dwelling	8 square metres
3 or more bedroom dwelling	12 square metres

## 52.20-7.11 Storage

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table 12.

Table 12 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres



## MORNINGTON PENINSULA PLANNING SCHEME

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

## 52.20-7.12 Waste and recycling

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the Minister for Planning and:

- Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

## 52.20-7.13 Functional layout

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table 13.
- Provide an area in addition to the minimum internal room dimensions and area to accommodate a wardrobe.

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimension and area specified in Table 14.

Table 13 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth	Minimum area
Main bedroom	3 metres	3.4 metres	10.2 sqm
All other bedrooms	3 metres	3 metres	9 sqm

## MORNINGTON PENINSULA PLANNING SCHEME

Table 14 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

## 52.20-7.14 Room depth

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

## 52.20-7.15 Windows

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

## 52.20-7.16 Natural ventilation

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

## 52.20-7.17 Integration with the street

Developments should be oriented to front existing and proposed streets.

Along street frontages, developments should:

- Incorporate pedestrian entries, windows, balconies or other active spaces.
- Limit blank walls.
- Limit high front fencing, unless consistent with the existing urban context.

## MORNINGTON PENINSULA PLANNING SCHEME

- Provide low and visually permeable front fences, where proposed.
- Conceal car parking and internal waste collection areas from the street.

Development next to existing public open spaces should be designed to complement the open space and facilitate passive surveillance.

## 52.20-7.18 Access

Vehicle crossovers should be minimised.

Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.

Pedestrian and cyclist access should be clearly delineated from vehicle access.

The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.

Development must provide access for service, emergency and delivery vehicles.

## 52.20-7.19 Site services

Development should provide adequate space (including easements, where required) for site services to be installed and maintained efficiently and economically

Meters and utility services should be designed as an integrated component of the building or landscape.

Mailboxes and other site facilities should be adequate in size, durable, weather-protected, located for convenient access and integrated into the overall design of the development.

## 52.20-7.20 External walls and materials

External walls should be finished with material that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall design should facilitate safe and convenient access for maintenance.

## 52.20-7.21 Wind impacts

Development of five or more storeys should:

- not cause unsafe wind conditions specified in Table 15 in public land, publicly accessible areas on private land, private open space and communal open space and
- achieve comfortable wind conditions specified in Table 15 in public land and publicly accessible areas on private land

within a distance of half the greatest length of the building, or half the total height of the building measured outward on the horizontal plane from the ground floor building façade, whichever is greater

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements such as awnings and screens should be located within the site boundary unless consistent with the existing urban context or preferred future development of the area.

## MORNINGTON PENINSULA PLANNING SCHEME

Table 15 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none"> <li>3 metres per second for sitting areas.</li> <li>4 metres per second for standing areas.</li> <li>5 metres per second for walking areas.</li> </ul>

52.20-8

20/03/2023  
VC229

## Native vegetation requirements

In this clause:

- Guidelines means the Guidelines for removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, December 2017);
- levy area has the same meaning as in the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020
- Secretary means the Secretary to the Department of Environment, Land, Water and Planning as constituted under Part 2 of the Conservation Forests and Lands Act 1987.

Before the removal, destruction or lopping of native vegetation outside the levy area:

- Information about the native vegetation in accordance with the application requirements 4, 5 and 9 in Table 4 of the Guidelines must be provided to the satisfaction of the Secretary
- The biodiversity impacts from the native vegetation must be offset in accordance with the Guidelines
- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary

The requirements of Clause 52.20-8 do not apply to any native vegetation identified in the table of exemption to Clause 52.17-7.

The Secretary may vary the timing of the offset requirement if the Secretary considers there are exceptional circumstances to warrant the variation.

The secured offset for a project may be reconciled at the completion of a project in accordance with the Assessor's handbook – Application to remove, destroy or lop native vegetation (Department of Environment, Land, Water and Planning, October 2018) to the satisfaction of Secretary

Before the removal, destruction or lopping of native vegetation inside the levy area, information about the native vegetation in accordance with the application requirements 4 and 5 in Table 4 of the Guidelines must be provided to the satisfaction of the Secretary

The requirements of this clause may be satisfied for separate component or stages of a development. However each requirement must be satisfied prior to the removal, destruction or lopping of native vegetation for that component or stage.

## MORNINGTON PENINSULA PLANNING SCHEME

52.20-9

20/03/2023  
VC229

## Transitional provision

The development standard at Clause 52.20-7 for apartment development and residential buildings in force immediately before the approval date of Amendment VC207 continues to apply to a use or development that has received written confirmation from the Chief Executive Officer, Homes Victoria that an application is funded, either wholly or partly, under Victoria's Big Housing Build program, signed before 30 June 2022.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.21

31/07/2018  
VC148

## PRIVATE TENNIS COURT

## Purpose

To ensure that tennis courts used in association with a dwelling are sited and constructed to minimise the effects of the development on nearby properties.

To ensure that the use of tennis courts in association with a dwelling does not cause unreasonable disturbance to adjoining residents or adversely affect the residential amenity of adjoining areas.

## 52.21-1

31/07/2018  
VC148

## Application

This clause applies to any private tennis court which is used in association with a dwelling.

## 52.21-2

19/01/2006  
VC37

## Permit requirement

A permit is not required under any provision of this scheme to construct, use or illuminate a private tennis court if the performance requirements specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999 are met.

A permit is required to construct, use or illuminate a private tennis court:

- If any of the performance requirements specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999 are not met.
- If the land is in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, an Urban Floodway Zone, a Floodway Overlay or a Land Subject to Inundation Overlay and a permit is required for any of the following:
  - To construct a building or construct or carry out works.
  - To remove, destroy, prune or lop a tree or vegetation.

## 52.21-3

19/01/2006  
VC37

## Application requirements

Unless the circumstances do not require, an application under this clause must be accompanied by the following information:

- A copy of title of the land.
- A layout plan to a scale of not less than 1:200.
- The location of dwellings on adjoining land within 10 metres of the court site showing habitable room windows.
- Existing and proposed site levels.
- Location of vegetation to be removed.
- Proposed landscaping.
- Illumination levels and the position and height of light poles and fencing.
- Description of fencing material.
- The location of easements.
- Volume of excavated material to be brought to or removed from the site.
- Means of access to the site.
- Construction method and timing.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.21-4

31/07/2018  
VC148

## Notice provisions

An application for a permit to construct or illuminate a private tennis court under any provision of this scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the Act.

In accordance with section 52(1)(c) of the Act notice of an application to construct or illuminate a private tennis court under any provision of this scheme must be given by ordinary post to the owners and occupiers of adjoining and opposite properties.

## 52.21-5

19/01/2006  
VC37

## Decision guidelines

Before deciding on an application under this Clause in addition to the decision guidelines in Clause 65, the responsible authority must consider the relevant objectives and considerations specified in the Code of Practice- Private Tennis Court Development Revision 1 March 1999.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.22

26/10/2018  
VC152

## COMMUNITY CARE ACCOMMODATION

## Purpose

To facilitate the establishment of community care accommodation.

To support the confidentiality of community care accommodation.

## 52.22-1

26/10/2018  
VC152

## Application

This clause applies to the use and development of land for community care accommodation.

## 52.22-2

04/11/2022  
VC226

## Use exemption

Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone, Rural Living Zone or Township Zone to obtain a permit to use land for community care accommodation does not apply if all of the following requirements are met:

- Any condition opposite the use of community care accommodation in the table of uses in the zone or schedule to the zone is met.
- The use is:
  - funded by, or carried out by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act; or
  - funded by, or carried out by, a registered National Disability Insurance Scheme (NDIS) provider if the design of the building is certified to the NDIS Specialist Disability Accommodation Design Standard by an accredited third party NDIS Specialist Disability Accommodation assessor
- No more than 20 clients are accommodated. This does not include staff.
- No more than 5 persons at any one time who are not accommodated on the land may access support services provided on the land.

## 52.22-3

04/11/2022  
VC226

## Buildings and works exemption

Any requirement in the General Residential Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone, Rural Living Zone or Township Zone to obtain a permit to construct a building or construct or carry out works for community care accommodation does not apply if all of the following requirements are met:

- The developments:
  - funded by, or carried out by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act; or
  - funded by, or carried out by, a registered NDIS provider if the design of the building is certified to the NDIS Specialist Disability Accommodation Design Standard by an accredited third party NDIS Specialist Disability Accommodation assessor
- The developments in the General Residential Zone or Neighbourhood Residential Zone, a garden area must be provided in accordance with the minimum garden area requirements specified in the zone.
- The developments in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone, the standards B6, B17, B18, B19, B20, B21 and B22 of clause 55 must be met.



## MORNINGTON PENINSULA PLANNING SCHEME

## 52.22-4

04/11/2022  
VC226

## Exemption from notice and review

An application under any provision of this planning scheme to use land or construct a building or construct or carry out works for community care accommodation is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the application is made by or on behalf of:

- A government department or public authority, including a public authority established for a public purpose under a Commonwealth Act; or
- A registered NDIS provider if the design of the building is certified to the NDIS Specialist Disability Accommodation Design Standard by an accredited third party NDIS Specialist Disability Accommodation assessor

## 52.22-5

04/11/2022  
VC226

## Meaning of terms

In this clause:

- National Disability Insurance Scheme has the same meaning as part 4 section 9 of the National Disability Insurance Scheme Act 2013
- Registered NDIS provider has the same meaning as part 4 section 9 of the National Disability Insurance Scheme Act 2013

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.23

26/10/2018  
VC152

## ROOMING HOUSE

## Purpose

To facilitate the establishment of domestic-scale rooming houses.

## 52.23-1

26/10/2018  
VC152

## Application

This clause applies to use and development of land for a rooming house.

## 52.23-2

24/01/2020  
VC160

## Use exemption

Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to use land for a rooming house does not apply if all of the following requirements are met:

- Any condition opposite the use 'rooming house' in the table of uses in the zone or schedule to the zone is met.
- The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.
- No more than 12 persons are accommodated.
- No more than 9 bedrooms are provided.

## 52.23-3

24/01/2020  
VC160

## Buildings and works exemption

Any requirement in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to construct a building or construct or carry out works for a rooming house does not apply if all of the following requirements are met:

- No more than 9 bedrooms are developed on the land.
- Bedrooms can only be accessed from within the building.
- The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.
- If the developments in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirements specified in the zone.
- Shared entry facilities and common areas including a kitchen and living area, are provided.

## MORNINGTON PENINSULA PLANNING SCHEME

52.25

19/01/2006  
VC37

## CREMATORIUM

## Purpose

To ensure that crematoria in cemeteries are developed and used in an appropriate manner

## Permit required

A permit is required to develop and use a crematorium on land that is used for cemetery purposes.

This does not apply to land in the Springvale Crematorium.

## Decision guidelines

Before deciding on an application to use and develop land for a crematorium, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The provision of landscaping and screen planting.
- The location and design of the buildings to be constructed.
- The effect on traffic movement generated by the use.
- The provision of parking facilities.

MORNINGTON PENINSULA PLANNING SCHEME

52.26  
31/07/2018  
VC148

[NO CONTENT]

## MORNINGTON PENINSULA PLANNING SCHEME

52.27

15/03/2024  
VC256

## LICENSED PREMISES

## Purpose

To ensure that licensed premises are situated in appropriate locations.

To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

## Scope

These provisions apply to premises licensed, or to be licensed, under the Liquor Control Reform Act 1998

## Permit required

A permit is required to use land to sell or consume liquor if any of the following apply:

- A licence is required under the Liquor Control Reform Act 1998
- A different licence or category of licence is required from that which is in force.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

This does not apply:

- To a limited licence.
- To a licence to manufacture liquor.
- If the schedule to this clause specifies that a permit is not required to use land to sell or consume liquor under a particular type of licence.
- To a variation that reduces the hours of trading allowed under a licence.
- To a variation that reduces the number of patrons allowed under a licence.
- To a variation that reduces the area within which liquor is allowed to be consumed or supplied under a licence.
- To a variation of licence at the initiative of the Victorian Liquor Commission pursuant to Section 58 of the Liquor Control Reform Act 1998
- To a variation of licence for a variation prescribed in Part 6, Regulation 31 of the Liquor Control Reform Regulations 2009.
- If a different licence or category of licence is required solely as a result of changes to licence categories.
- To a licence to sell only packaged liquor for consumption elsewhere issued before 8 April 2011.

The schedule to this clause may specify that a permit may not be granted to use land to sell or consume liquor under a particular type of licence.

## Referral of applications

An application must be referred and notice of the application must be given in accordance with Clause 66 of this scheme.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.

## MORNINGTON PENINSULA PLANNING SCHEME

- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 52.27 LICENSED PREMISES

1.0

22/07/2021  
C255morn

Permit not required

Land	Type of licence
None specified.	

2.0

22/07/2021  
C255morn

Permit may not be granted

Land	Type of licence
None specified.	

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.28 GAMING

31/07/2018  
VC148

## 52.28-1

18/10/2006  
VC39

## Purpose

To ensure that gaming machines are situated in appropriate locations and premises.

To ensure the social and economic impacts of the location of gaming machines are considered.

To prohibit gaming machines in specified shopping complexes and strip shopping centres.

## 52.28-2

31/07/2018  
VC148

## Gaming objectives

A schedule to this clause may specify objectives to be achieved in relation to the installation or use of a gaming machine.

## 52.28-3

31/07/2018  
VC148

## Permit requirement

A permit is required to install or use a gaming machine.

This does not apply in either of the following circumstances:

- Clause 52.28-4 or Clause 52.28-5 specifically prohibit a gaming machine.
- the gaming machine is in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006 and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

## 52.28-4

31/07/2018  
VC148

## Prohibition of a gaming machine in a shopping complex

Installation or use of a gaming machine is prohibited on land specified in a schedule to this clause.

This does not apply to a gaming machine in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

## 52.28-5

31/07/2018  
VC148

## Prohibition of a gaming machine in a strip shopping centre

Installation or use of a gaming machine is prohibited in a strip shopping centre if:

- the strip shopping centre is specified in the schedule to this clause.
- the schedule provides that a gaming machine is prohibited in all strip shopping centres on land covered by this planning scheme.

This does not apply to a gaming machine in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

A strip shopping centre is an area that meets all of the following requirements:

- it is zoned for commercial use;
- it consists of at least two separate buildings on at least two separate and adjoining lots;
- it is an area in which a significant proportion of the buildings are shops;
- it is an area in which a significant proportion of the lots abut a road accessible to the public generally;

but it does not include the Capital City Zone in the Melbourne Planning Scheme.

## 52.28-6

31/07/2018  
VC148

## Locations for gaming machines

A schedule to this clause may specify guidelines relating to locations for gaming venues and machines.



## MORNINGTON PENINSULA PLANNING SCHEME

52.28-7

31/07/2018  
VC148

Venues for gaming machines

A schedule to this clause may specify guidelines relating to venues for gaming machines.

52.28-8

31/07/2018  
VC148

Application requirements

An application must be accompanied by any information specified in a schedule to this overlay

52.28-9

31/07/2018  
VC148

Decision guidelines

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The compatibility of the proposal with adjoining and nearby land uses.
- The capability of the site to accommodate the proposal.
- Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.
- Any other matters specified in the schedule to this clause.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

## SCHEDULE TO CLAUSE 52.28 GAMING

## 1.0

22/07/2021  
C279morn

## Objectives

To achieve a net community benefit in any change to the location of gaming premises and number of gaming machines throughout the Mornington Peninsula.

To discourage new gaming machines in relatively disadvantaged suburbs as defined by the Socio-Economic Indicators for Areas (SEIFA) Index of Relative Socio-Economic Disadvantage.

To encourage gaming machines only in locations where they are accessible but not convenient.

To ensure gaming machines are installed in venues that are designed and operated to minimise negative social and economic impacts, and adverse impacts on the amenity of the surrounding areas.

To ensure benefits associated with gaming machines accrue to the community in the local area.

## 2.0

22/07/2021  
C255morn

## Prohibition of a gaming machine in a shopping complex

Installation or use of a gaming machine as specified in Clause 52.28-4 is prohibited on land described in Table 1 below

Table 1

Name of shopping complex and locality	Land description
Bentons Square Shopping Centre, Mornington	Lot 2, Plan of Subdivision 300899, Dunns Road, Mornington.
Balnarring Village Shopping centre	Lot 2, Plan of Subdivision 524213, off Frankston – Flinders Road, Balnarring.
Dromana Shopping Centre, Dromana	Lots 1-9 on Strata Plan 260219, off Point Nepean Road, Dromana.
McCrae Plaza Shopping Centre, McCrae	Land in Plan of Consolidation 367959, off Point Nepean Road, McCrae.
Mornington Central Shopping Complex, Mornington	Lot 99748A, Plan of Subdivision 437121 off Railway Grove, Mornington.
Mornington Safeway Complex, Mornington	Land in Plan of Consolidation 105098 at 219 - 257 Main Street, Mornington.
Port Phillip Plaza, Rosebud	Land in plan of consolidation 164612, Boneo Road, Rosebud.
Rosebud Village Shopping Centre, Rosebud	Lots 1-18 plan of subdivision 332239, Point Nepean Road, Rosebud.
Somerville Central, Somerville	Lot 1, plan of subdivision 505223, Eramosa Road West, Somerville.

## 3.0

22/07/2021  
C255morn

## Prohibition of a gaming machine in a strip shopping centre

A gaming machine as specified in Clause 52.28-5 is prohibited in all strip shopping centres on land covered by this planning scheme.

## MORNINGTON PENINSULA PLANNING SCHEME

## 4.0

22/07/2021  
C279morn

## Locations for gaming machines

Gaming venues and machines should be located:

- In a manner that redistributes gaming machines from places with higher risks of problem gambling to places with lower risks, including places that primarily cater for tourists.
- In areas that are not:
  - Of relative socio-economic disadvantage as indicated by scores of less than 1,000 in the SEIFA Index of Relative Socio-Economic Disadvantage.
  - Close to a strip shopping centre or shopping complex.
- In areas that are not visible or within 400 metres from any of the following uses:
  - School, kindergarten or child care centre.
  - A hospital, medical centre or other place providing a welfare service.
  - Supported accommodation.
  - Social (public and community) housing developments or clusters comprising 50 or more dwellings.
  - Library or community hall or facility.
  - Place of worship.
  - A shop or retail premises that attracts daily or weekly custom.

## 5.0

22/07/2021  
C279morn

## Venues for gaming machines

Gaming machines should be located:

- In venues that offer all the following:
  - Management and mitigation measures to minimise problem gambling and apply responsible gaming practices.
  - A choice of recreational activities as the primary purpose of the venue, where such activities are available at similar hours as the gaming.
  - A gaming floor area that is less than 25 per cent of the total floor area of the venue.
  - A design that gives the gaming area access to natural light.
  - Physical and visual separation of the gaming area from other areas.
  - Access to venue amenities including entrances and exits, toilets, meeting spaces and dining areas without traversing gaming areas.
  - Gaming operation of 16 hours per day or less.
- With regard to operating hours, traffic, noise, car parking, safety and security to protect the amenity of the local area.

## 6.0

22/07/2021  
C279morn

## Application requirements

The following application requirements apply to an application for a permit under Clause 52.28, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority:

## Details of the proposal

- Plans and elevations drawn to scale and dimensioned showing the proposed use, including the location and layout of the gaming machines, other non-gaming activities and car parking.

## MORNINGTON PENINSULA PLANNING SCHEME

- Proposed operations, including staff and patron numbers, hours of operation and assessment of patronage numbers.
- Details of proposed gambling and non-gambling related entertainment and recreation facilities at the venue.

## Impact assessment

- A context plan showing any core uses within 400 metres of the venue.
- An impact assessment prepared by a suitably qualified and experienced person to the satisfaction of the responsible authority, describing:
  - The social and economic impacts of the proposal and the net community benefit.
  - Anticipated gaming expenditure including:
    - Any expected transfer from other gaming venues (including how the level of transfer has been calculated) comparison of existing and projected expenditure per machine at the venue, current usage level of machines at the venue, projected usage level of machines at the venue with the additional machines.
    - The resulting impact on revenue of the venue to where the expenditure is transferred.
    - The resulting impact on the venue from where the expenditure is transferred (such as loss of employment, loss of complementary expenditure, loss of customers, impact on ability to provide services).
  - The existing and proposed distribution of gaming machines across the Mornington Peninsula.
  - The primary and secondary catchments of the venue, including an assessment of the demographics within each catchment. The primary catchments radius of 2.5 kilometres; the secondary catchments radius of 5 kilometres.
- Details of community benefits expected from the proposal, how and when the benefits are to be secured and whether these will be distributed to the local community.

## Existing conditions

- Details of any existing use of the land, including the range of activities, staff and patron numbers and hours of operation.
- Details of any historical gaming expenditure at the venue.
- Distance to the nearest core uses.
- Details of the relative socio-economic status of the suburb in which the gaming machines are to be located and the broader 5 kilometre catchment of the venue in comparison to other suburbs of the municipality and the Melbourne and regional Victoria average as defined in the SEIFA Index of Relative Socio-Economic Disadvantage.

## 7.0

22/07/2021  
C279morn

## Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 52.28, in addition to those specified in Clause 52.28 and elsewhere in the scheme, which must be considered as appropriate by the responsible authority:

- Whether the proposal results in a net community benefit.
- Whether the proposal is likely to increase social and economic disadvantage in the local community and the municipality.
- Whether the location of the gaming premises or gaming machines facilitates discourages convenience gambling.
- The choice of entertainment in the local area and in the proposed gaming premises.

## MORNINGTON PENINSULA PLANNING SCHEME

- Whether the proposal has a detrimental impact on the amenity of the local area with regard to operating hours, traffic, noise, car parking, safety and security

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.29

20/01/2022  
VC205

## LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK

## Purpose

To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.

To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

## 52.29-1

20/01/2022  
VC205

## Application

This clause applies to land adjacent to a road in the Transport Zone 2 or land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the purpose of the acquisition is for a road.

## 52.29-2

20/01/2022  
VC205

## Permit requirement

A permit is required to:

- Create or alter access to:
  - A road in a Transport Zone 2.
  - Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.
- Subdivide land adjacent to:
  - A road in a Transport Zone 2.
  - Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.

## 52.29-3

14/05/2021  
VC198

## Permit not required

A permit is not required to:

- Create or alter access or subdivide land, if carried out by or on behalf of the Head, Transport for Victoria.
- Realign a boundary
- Subdivide an existing building, provided the building is already connected to services and no new access is required.
- Subdivide land into two lots, provided no new access is required.

## 52.29-4

20/01/2022  
VC205

## Referral of applications

An application must be referred under section 55 of the Act to the person or body specified as the referral authority in clause 66.03.

## 52.29-5

31/07/2018  
VC148

## Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 52.29-6

20/01/2022  
VC205

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in clause 65, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.

## MORNINGTON PENINSULA PLANNING SCHEME

- The views of the relevant road authority
- The effect of the proposal on the operation of the road and on public safety
- Any policy made by the relevant road authority pursuant to schedule 2, clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.30

12/02/2024  
VC254

## STATE PROJECTS

## Purpose

To facilitate the development and delivery of projects by or on behalf of, or jointly or in partnership with, or funded by the State of Victoria or a public authority, or on Crown land.

## 52.30-1

20/03/2023  
VC229

## Application

This clause applies to any project decided by the Minister for Planning under clause 52.30-2 to be a state project.

In this clause:

- Chief Executive Officer, Homes Victoria means 'Chief Executive Officer, Homes Victoria' as defined in the Housing Act 1983 and the body corporate established under the Housing Act 1983
- green wedge land has the same meaning as in Division 1 of Part 3AA of the Act;
- Guidelines means the Guidelines for removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, December 2017);
- levy area has the same meaning as in the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020;
- project means:
  - use or development of land; or
  - creation or alteration of access to a road in a Transport Zone; or
  - creation, variation or removal of an easement or restriction; or
  - variation or removal of a condition in the nature of an easement in a Crown grant;
- restriction has the same meaning as in the Subdivision Act 1988;
- Secretary means the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation Forests and Lands Act 1987).

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

## 52.30-2

12/02/2024  
VC254

## State project decision

The exemption in clause 52.30-3 applies if the Minister for Planning is satisfied that a proposed project is a state project which:

- will be:
  - carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or
  - funded, or partly funded by, the State of Victoria or a public authority; or
  - carried out on Crown land;
- is consistent with any Great Ocean Road strategic framework plan, Statement of Planning Policy or Yarra Strategic Plan that applies to the land;
- will not subdivide green wedge land into more lots or into smaller lots than allowed for by this planning scheme;



## MORNINGTON PENINSULA PLANNING SCHEME

- is consistent with any approved regional strategy plan under Part 3A of the Act and any approved strategy plan under Part 3C or Part 3D of the Act; and
- does not form part of public works declared under section 3, or works subject to a notice under section 8B(4)(a)(i), or does not require an environment effects statement under the Environment Effects Act 1978

In deciding whether a proposed project is a state project, the Minister for Planning may, where relevant:

- Consider the objectives of planning in Victoria.
- Have regard to any relevant Minister's directions.
- Have regard to the Victoria Planning Provisions
- Take into account any significant effects which the Minister considers the proposed use or development may have on the environment for which the Minister considers the environment may have on the proposed use or development.
- Take into account any significant social effects and economic effects which the Minister considers the proposed use or development may have.
- Consider any existing specific control under clause 45.12 or 51.01 that applies to the proposed use or development.

## 52.30-3

12/02/2024  
VC254

## Exemption from planning scheme requirements

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits a project, requires a project to be carried out in a particular manner or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to a project decided by the Minister for Planning under clause 52.30-2 to be a state project if the requirements of clause 52.30 are met.

This exemption does not apply to the following:

- The subdivision of green wedge land into more lots or into smaller lots than allowed for by this planning scheme.
- A development for which an environment effects statement has been, or is required to be, prepared under the Environment Effects Act 1978
- A use or development carried out by or on behalf of, or jointly or in partnership with, the Chief Executive Officer, Homes Victoria.
- A use or development to which clauses 52.03, 52.35 or 52.36 apply.
- A requirement in clauses 45.07, 45.08 or 51.03, or in any schedule to those clauses.

## 52.30-4

29/09/2022  
VC222

## Project requirement

The project must be carried out generally in accordance with the plans and documents approved under this clause, to the satisfaction of the Minister for Planning.

## 52.30-5

29/09/2022  
VC222

## Consultation requirements

Before the project commences:

- Public consultation including consultation with relevant public authorities and the municipal council for the municipal district within which the proposed project will be carried out, must be carried out to the satisfaction of the Minister for Planning.
- A report that summarises the consultation undertaken and the feedback received and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

## MORNINGTON PENINSULA PLANNING SCHEME

The requirements of this clause may be varied or waived by the Minister for Planning.

52.30-6

12/02/2024  
VC254

## Other pre-commencement requirements

Before the project commences, the following plans, documents and information must be prepared and submitted to the satisfaction of the Minister for Planning:

- A plan that shows the boundary of the land on which the project will be carried out.
- A site and context description that accurately describes and analyses the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the land and surrounding area, including any existing use and development.
- A description of the proposed use including:
  - The activities that will be carried out.
  - The likely effects, if any, on the land, and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation.
- Detailed plans and elevations of the proposed development drawn to scale and dimensioned, including details of any buildings or works proposed to be demolished or removed, and any vegetation proposed to be retained or removed.
- A report that addresses how the proposed project responds to purposes, objectives or statements of significance or risk of any zone, overlay or other provision that would apply to the proposed project but for the exemption in clause 52.30-3.
- A schedule of works and development including staging and the expected commencement and completion times.
- If the Minister for Planning has decided that an assessment under the Environment Effects Act 1978 is not required for the proposed development and the Minister's decision is subject to conditions:
  - A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.
  - A copy of any report, plan or other document required to be prepared under those conditions.
- A plan for the management or mitigation of potential adverse effects or impact on the environment or amenity from the proposed use or development during and following construction.
- If the proposed project would require a permit but for the exemption in clause 52.30-3 and a copy of the application for that permit would be required to be given to a referral authority under section 55 of the Act, the comments of that referral authority on the proposed project.
- A report that demonstrates that the environmental conditions of the land are or will be suitable for the proposed use or development including any significant effects which the use or development may have on the environment or which the environment may have on the use or development including water, noise, air or land pollution impact on the environment, amenity or human health.
- Any other plan, document or information the Minister for Planning considers necessary to assist the Minister's assessment of the proposed project or the plans and documents required to be prepared under this clause.

The requirements of this clause may be:

## MORNINGTON PENINSULA PLANNING SCHEME

- Satisfied in separate components or stages of a project, but each requirement must be satisfied prior to the commencement of that component or stage.
- May be varied or waived by the Minister for Planning.

The plans and other documents required by this clause may be amended during the project to the satisfaction of the Minister for Planning.

52.30-7

25/03/2021  
VC194

## Native vegetation requirements

Before the removal, destruction or lopping of native vegetation outside the levy area:

- Information about the native vegetation in accordance with application requirements in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary
- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the Guidelines.
- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary

The Secretary may vary the timing of the offset requirement.

The secured offset for a state project to which this clause applies may be reconciled at the completion of a project to the satisfaction of the Secretary

Before the removal, destruction or lopping of native vegetation inside the levy area, information about the native vegetation in accordance with application requirements in Tables 4 and 5 (other than requirement 9) of the Guidelines must be prepared to the satisfaction of the Secretary

The information requirements of this clause may be varied or waived by the Secretary

The requirements of this clause may be satisfied in separate components or stages of a development, but each requirement must be satisfied before the removal, destruction or lopping of native vegetation for that component or stage.

## MORNINGTON PENINSULA PLANNING SCHEME

52.31

25/03/2021  
VC194

## LOCAL GOVERNMENT PROJECTS

## Purpose

To facilitate the development of land by or on behalf of municipal councils.

52.31-1

25/03/2021  
VC194

## Permit exemptions

Any requirement in a zone or a schedule to obtain a permit to construct a building or construct or carry out works does not apply to the development of land carried out by or on behalf of a municipal council. This exemption does not apply to:

- A development with an estimated cost of more than \$10 million.
- A development in the Urban Floodway Zone unless the development is carried out to the satisfaction of the relevant floodplain management authority.
- A development associated with the use of land for accommodation, earth and energy resources industry, energy generation facility, industry or warehouse.
- A development for which an environmental effects statement has been, or is required to be, prepared under the Environment Effects Act 1978.
- A development for which the Minister for Planning has decided that an assessment through an environmental effects statement under the Environment Effects Act 1978 is not required if the Minister's decision is subject to conditions.

Any requirement in the Floodway Overlay, Land Subject to Inundation Overlay and Special Building Overlay to obtain a permit to construct a building or construct or carry out works does not apply to the development of land carried out by or on behalf of a municipal council to the satisfaction of the relevant floodplain management authority.

This clause prevails over any inconsistent provision in this planning scheme.

52.31-2

25/03/2021  
VC194

## Exemption from notice and review

An application under any provision of this planning scheme to develop land by or on behalf of a municipal council is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to:

- An application for a development with an estimated cost of more than \$10 million.
- An application for a development associated with the use of land for accommodation, earth and energy resources industry, energy generation facility, industry or warehouse.
- An application to remove, destroy or lop more than:
  - 0.5 hectares of native vegetation other than a tree; or
  - 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level; or
  - 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.32

31/07/2018  
VC148

## WIND ENERGY FACILITY

## Purpose

To facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

## 52.32-1

03/08/2021  
VC206

## Application

This clause applies to land used and developed or proposed to be used and developed for a wind energy facility.

## 52.32-2

03/08/2021  
VC206

## Use and development of land

A permit is required to use and develop land for a wind energy facility.

The use and development of land for a wind energy facility is prohibited at a location listed in the table to this clause unless the condition opposite the location specified in the table is met.

Table to Clause 52.32-2

Location	Condition
On land where any turbine (measured from the centre of the tower at ground level) that forms part of the facility is located within one kilometre of an existing dwelling. This does not apply to a wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.	Must meet the requirements of clause 52.32-3.
Land described in a schedule to the National Parks Act 1975	Must be principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.
Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)	
Land listed in a schedule to Clause 52.32-2	Must be on land in a residential zone, industrial zone, commercial zone or special purpose zone and must be integrated as part of the development of the land.

## 52.32-3

03/08/2021  
VC206

## Turbine within one kilometre of a dwelling

An application that includes a proposed turbine within one kilometre of an existing dwelling must be accompanied by:

- A plan showing all dwellings within one kilometre of a proposed turbine (measured from the centre of the tower at ground level).
- Evidence of the written consent of any owner as at the date of that application of an existing dwelling located within one kilometre of a proposed turbine (measured from the centre of the tower at ground level) that forms part of a wind energy facility. This does not apply to an application to amend such a permit under section 72 or section 97I of the Act unless the amendment of the permit would:

## MORNINGTON PENINSULA PLANNING SCHEME

- increase the number of turbines; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

This does not apply to a wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.

52.32-4

04/07/2023  
VC234

## Application requirements

An application must be accompanied by the following information as appropriate:

## Site and context analysis

A site and context analysis may use a site plan, photographs or other techniques to accurately describe the site and surrounding area and must include the following information:

- In relation to the site:
  - Site shape, dimensions and size
  - Orientation and contours
  - Current land use
  - The existing use and siting of buildings or works on the land
  - Existing vegetation types, condition and coverage
  - The landscape of the site
  - Species of flora and fauna listed under the Flora and Fauna Guarantee Act 1988 and the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)
  - Sites of cultural heritage significance
  - Wind characteristics
  - Any other notable features, constraints or other characteristics of the site.
- In relation to the surrounding area:
  - Existing land uses
  - Above-ground utilities
  - Access to infrastructure
  - Direction and distance to nearby dwellings, townships, urban areas, significant conservation and recreation areas, water features, tourist routes and walking tracks, major roads, airports, aerodromes and existing and proposed wind energy facilities
  - The siting and use of buildings on adjacent properties
  - Views to and from the site, including views from existing dwellings and key vantage points including major roads, walking tracks, tourist routes and regional population growth corridors
  - Sites of flora and fauna listed under the Flora and Fauna Guarantee Act 1988 and Environment Protection and Biodiversity Conservation Act 1999 (Cwth), including significant habitat corridors and movement corridors for these fauna
  - Sites of cultural heritage significance
  - National Parks, State Parks, Coastal Reserves and other land subject to the National Parks Act 1975

## MORNINGTON PENINSULA PLANNING SCHEME

- Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)
- Location of any land included in the schedule to clause 52.32-2 of the planning scheme
- Any other notable features or characteristics of the area
- Bushfire risks.

## Design response

- Detailed plans of the proposed development.
- Plans and elevations of transmission infrastructure and electricity utility works required to connect the facility to the electricity network, and access road options.
- Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
- A rehabilitation plan for the site.
- A written report(s), including:
  - A description of the proposal.
  - An explanation of how the proposed design derives from and responds to the site analysis.
  - A description of how the proposal responds to any significant landscape features for the area identified in the planning scheme.
  - An assessment of:
    - the visual impact of the proposal on the surrounding landscape.
    - the visual impact on abutting land that is described in a schedule to the National Parks Act 1975 and Ramsar wetlands and coastal areas.
    - the impact of the proposal on any species (including birds and bats) listed under the Flora and Fauna Guarantee Act 1988 or the Environment Protection and Biodiversity Conservation Act 1999 (Cwth).
    - the impacts upon Aboriginal or non-Aboriginal cultural heritage.
  - A statement of why the site is suitable for the wind energy facility.
  - An environmental management plan including any rehabilitation and monitoring requirements.
- A pre-construction (predictive) noise assessment report prepared by a suitably qualified and experienced acoustician that:
  - Report on a pre-construction (predictive) noise assessment conducted in accordance with New Zealand Standard NZS6808:2010 Acoustics- Wind Farm Noise
  - Provides an assessment of whether the proposed wind energy facility will comply with the noise limit for that facility under Division 5 Part 5.3 of the Environment Protection Regulations 2021.

## MORNINGTON PENINSULA PLANNING SCHEME

- Where the proposed wind energy facility will be the subject of a wind turbine noise agreement under Division 5 of Part 5.3 of the Environment Protection Regulations 2021, specifies the premises of the relevant landowner (including any particular buildings) to which the agreement relates and provides an assessment of whether the proposed wind energy facility will comply with the modified noise limit for that facility specified in the agreement.
- Is prepared on the basis that the relevant noise standard under Division 5 of Part 5.3 of the Environment Protection Regulations 2021 will be New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise and includes an assessment of whether a high amenity noise limit is applicable under Section 5.3 of the standard.
- A report prepared by an environmental auditor appointed under Part 8.3 of the Environment Protection Act 2017 that verifies whether or not the pre-construction (predictive) noise assessment was conducted in accordance with New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise

If in the opinion of the responsible authority a requirement of the site and context analysis or design response is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

52.32-5

04/07/2023  
VC234

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect of the proposal on the surrounding area in terms of noise, blade glint, shadow flicker and electromagnetic interference.
- The impact of the development on significant views, including visual corridors and sightlines.
- The impact of the facility on the natural environment and natural systems.
- The impact of the facility on cultural heritage.
- The impact of the facility on aircraft safety
- Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (Department of Environment, Land, Water and Planning, November 2021).

52.32-6

03/08/2021  
VC206

## Anemometer

Despite anything to the contrary in this scheme a permit may be granted to use and develop land for the purpose of wind measurement by an anemometer for a period of more than three years.

52.32-7

03/08/2021  
VC206

## Application to amend a permit under section 72 of the Act

An application to amend a permit made under section 72 of the Act is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the amendment of the permit does not:

- increase the number of turbines; or
- increase the maximum height of a turbine.

52.32-8

03/08/2021  
VC206

## Application to amend a permit under section 97I of the Act

An application to amend a referred wind energy facility permit made under section 97I of the Act is wholly exempt from the requirements of section 97E(1) of the Act if the application does not seek to:



## MORNINGTON PENINSULA PLANNING SCHEME

- increase the total number of turbines; or
- increase the maximum height of a turbine.

The requirements of section 97E(1) of the Act are modified so as to require referral of objections and submission to an advisory committee established under section 151 of the Act if an application to amend a referred wind energy facility permit made under section 97I of the Act does not seek to:

- increase the total number of turbines by more than 15%; or
- increase the maximum height of a turbine by more than 20%.

MORNINGTON PENINSULA PLANNING SCHEME

05/08/2020  
VC176

SCHEDULE TO CLAUSE 52.32 WIND ENERGY FACILITY

1.0

05/08/2020  
VC176

Wind energy facility prohibition

Land where a Wind energy facility is prohibited

All land

## MORNINGTON PENINSULA PLANNING SCHEME

52.33

31/07/2018  
VC148

## POST BOXES AND DRY STONE WALLS

## Purpose

To conserve historic postboxes and dry stone walls.

## Permit requirement

A permit is required to demolish or remove a postbox constructed before 1930.

A permit is required to demolish, remove or alter a dry stone wall constructed before 1940 on land specified in the schedule to this provision. This does not apply to:

- Dry stone structures other than walls and fences.
- The demolition or removal of a section of a dry stone wall to install a gate.
- The reconstruction of damaged or collapsing walls which are undertaken to the same specifications and using the same materials as the existing walls.

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The significance of the postbox or dry stone wall.
- Any applicable heritage study, statement of significance and conservation policy.
- Whether the proposal will adversely affect the significance of the postbox or dry stone wall.
- Whether the proposal will adversely affect the significance, character or appearance of the area.

MORNINGTON PENINSULA PLANNING SCHEME

05/08/2020  
VC176

SCHEDULE TO CLAUSE 52.33 POST BOXES AND DRY STONE WALLS

1.0  
05/08/2020  
VC176

Permit requirement for dry stone walls

Land
None specified

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.34

31/07/2018  
VC148

## BICYCLE FACILITIES

## Purpose

To encourage cycling as a mode of transport.

To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

## 52.34-1

19/01/2006  
VC37

## Provision of bicycle facilities

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

## 52.34-2

31/07/2018  
VC148

## Permit requirement

A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

## 52.34-3

31/07/2018  
VC148

## Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 52.34-4

31/07/2018  
VC148

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.
- The location of the proposed use and the distance a cyclist would need to travel to reach the land.
- The users of the land and their opportunities for bicycle travel.
- Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.
- The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.
- Australian Standard AS 2890.3:1993 Parking facilities Part 3: Bicycle parking facilities.
- Any relevant bicycle parking strategy or equivalent.

## 52.34-5

08/08/2019  
VC159

## Required bicycle facilities

Tables 1, 2 and 3 to this clause set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables.

If in calculating the number of bicycle facilities the result is not a whole number the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.

A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound.

## MORNINGTON PENINSULA PLANNING SCHEME

A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

Table 1 to Clause 52.34-5 Bicycle spaces

Use	Employee/Resident	Visitor/Shopper/Student
Amusement parlour	None	2 plus 1 to each 50 sq m of net floor area
Convenience restaurant	1 to each 25 sq m of floor area available to the public	2
Dwelling	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings
Education centre (excluding Child care centre) other than specified in this table	1 to each 20 employees	1 to each 20 full-time students
Hospital	1 to each 15 beds	1 to each 30 beds
Hotel	1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public	1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public
Industry other than specified in this table	1 to each 1000 sq m of net floor area	None
Library	1 to each 500 sq m of net floor area	4 plus 2 to each 200 sq m of net floor area
Major sports and recreation facility	1 to each 1500 spectator places	1 to each 250 spectator places
Market	1 to each 50 stalls	1 to each 10 stalls
Medical centre	1 to each 8 practitioners	1 to each 4 practitioners
Minor sports and recreation facility	1 per 4 employees	1 to each 200 sq m of net floor area
Motel	1 to each 40 rooms	None
Office other than specified in this table	1 to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m	1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m
Place of assembly other than specified in this table	1 to each 1500 sq m of net floor area	2 plus 1 to each 1500 sq m of net floor area
Primary school	1 to each 20 employees	1 to each 5 pupils over year 4
Residential building other than specified in this table	In developments of four or more storeys, 1 to each 10 lodging rooms	In developments of four or more storeys, 1 to each 10 lodging rooms
Restaurant	1 to each 100 sq m of floor area available to the public	2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.
Retail premises other than specified in this table	1 to each 300 sq m of leasable floor area	1 to each 500 sq m of leasable floor area
Secondary school	1 to each 20 employees	1 to each 5 pupils
Service industry	1 to each 800 sq m of net floor area	None
Shop	1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres

## MORNINGTON PENINSULA PLANNING SCHEME

Use	Employee/Resident	Visitor/Shopper/Student
Take-away food premises	1 to each 100 sq m of net floor area	1 to each 50 sq m of net floor area

Table 2 to Clause 52.34-5 Showers

USE	Employee/Resident	Visitor/Shopper/Student
Any use listed in Table 1	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	None

Table 3 to Clause 52.34-5 – Change rooms

USE	Employee/Resident	Visitor/Shopper/Student
Any use listed in Table 1	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.	None

## 52.34-6

31/07/2018  
VC148

## Design of bicycle spaces

## Bicycle spaces should:

- Provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
- Be located to allow a bicycle to be ridden to within 30 metres of the bicycle parking space.
- Be located to provide convenient access from surrounding bicycle routes and main building entrances.
- Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure.
- Not cause a hazard.
- Be adequately lit during periods of use.

## Bicycle rails

## A bicycle rail must:

- Be securely fixed to a wall or to the floor or ground.
- Be in a highly visible location for bicycle security (when not in a compound).
- Be of a shape that allows a cyclist to easily lock the bicycle frame and wheels.
- Be located to allow easy access to park, lock and remove the bicycle.

## Bicycle compounds and lockers

## A bicycle compound or a bicycle locker must:

- Be located to provide convenient access to other bicycle facilities including showers and change rooms.
- Be fully enclosed.
- Be able to be locked.
- If outside, provide weather protection for the bicycle.

A bicycle locker must provide a bicycle parking space for at least one bicycle.

A bicycle compound must:

## MORNINGTON PENINSULA PLANNING SCHEME

- Include wall or floor rails for bicycle parking.
- Provide an internal access path of at least 1.5 metres in width.

52.34-7

31/07/2018  
VC148

## Bicycle signage

If bicycle facilities are required by this clause bicycle signage that directs the cyclist to the bicycle facilities must be provided to the satisfaction of the responsible authority.

Bicycle signage should:

- Be at least 0.3 metres wide and 0.45 metres high.
- Display a white bicycle on a blue background on the top half of the sign.
- Display information about the direction of facilities on the bottom half of the sign.



## MORNINGTON PENINSULA PLANNING SCHEME

## 52.35 MAJOR ROAD PROJECTS

14/05/2021  
VC198

## 52.35-1

14/05/2021  
VC198

## Purpose

To facilitate the delivery of projects carried out by or on behalf of Major Road Projects Victoria.

## 52.35-2

14/05/2021  
VC198

## Application

This clause applies to the use and development of land for a project carried out by or on behalf of Major Road Projects Victoria.

This clause does not apply to:

- The subdivision of land.
- The use or development of land for a promotion sign or a major promotion sign.
- A use or development that would not require a permit under a provision of this planning scheme but for the provision of clause 52.35.
- A use or development to which clause 52.03 applies.
- A use or development for a project if a document has been incorporated into this planning scheme expressly for the project and the use and developments carried out on land to which the specific control contained in the document applies.
- A use or development carried out in accordance with a permit issued on or before the approval date of Amendment VC198.
- A use or development for which a planning permit is granted by the responsible authority in accordance with the provisions of this planning scheme which would apply in the absence of the exemption in clause 52.35-3.
- A development for which an environmental effects statement has been, or is required by the Minister for Planning to be, prepared under the Environment Effects Act 1978

The provisions of clause 52.35 prevail over any inconsistent provision in this planning scheme.

## 52.35-3

14/05/2021  
VC198

## Exemption from planning scheme requirements

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits or restricts the use or development of land, requires the use or development of land to be carried out in a particular manner or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to a use or development to which this clause 52.35 applies if the requirements of clause 52.35 are met.

This exemption does not apply to a requirement in clauses 45.08 or 51.03, or in any schedule to those clauses.

## 52.35-4

14/05/2021  
VC198

## Use and development requirements

The use and development of land must be carried out generally in accordance with the plans and documents approved by the Minister for Planning under clause 52.35, to the satisfaction of the Minister for Planning.

The construction of a building or the construction or carrying out of works in a Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Urban Floodway Zone must be carried out to the satisfaction of the relevant floodplain management authority.

The use and development of land in a Public Acquisition Overlay must be carried out to the satisfaction of the relevant acquiring authority.

## MORNINGTON PENINSULA PLANNING SCHEME

52.35-5

14/05/2021  
VC198

## Consultation requirements

Before the commencement of the use or development:

- Public consultation including consultation with relevant public authorities and the municipal council for the municipal district within which the proposed use or development will be carried out, must be carried out to the satisfaction of the Minister for Planning.
- A report that summarises the consultation undertaken and feedback received and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

The requirements of this clause may be varied or waived by the Minister for Planning.

52.35-6

14/05/2021  
VC198

## Project boundary requirement

Before the use or development commences, a plan that shows the boundary of the land on which the use or development will be carried out must be prepared to the satisfaction of the Minister for Planning.

The plan may be prepared in stages and may be amended to the satisfaction of the Minister for Planning.

52.35-7

14/05/2021  
VC198

## Other pre-commencement requirements

Before the use or development (other than a preparatory use or development) commences, the following plans, documents and information must be prepared to the satisfaction of the Minister for Planning:

- A description of the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features characteristic and significance of the site and surrounding area including the existing use and development of the site and surrounding land.
- A description of the project.
- An explanation of how the proposed use or development responds to the decision guidelines in this planning scheme that would have applied to an application for a permit for the proposed use or development but for the provisions of this clause 52.35.
- If the land is in the Heritage Overlay and the proposed development would require a permit under the overlay but for the exemption in clause 52.35-3:
  - An assessment of the impact of the proposed development on the heritage significance of the heritage place.
  - Site plans and elevations showing the extent of the proposed development on the land.
  - Photographs of any buildings or works to be demolished or removed including photographs of the exterior and interior of the building and contextual images of the building's environs and setting.
- If the land is in an Environmental Significance Overlay, a Significant Landscape Overlay or a Vegetation Protection Overlay and the proposed development would require a permit under the overlay but for the exemption in clause 52.35-3, an explanation of how the proposed development responds to any environmental, vegetation or landscape significance or objective specified in a schedule to the overlay.
- An explanation of how the proposed use or development is consistent with any applicable Statement of Planning Policy.
- A statement outlining landscape and urban design measures or treatments required to address any amenity impacts as part of the project.

## MORNINGTON PENINSULA PLANNING SCHEME

- An environmental management framework, prepared having regard to consultation undertaken with each relevant municipal council on environmental management for the use or development or measure to avoid or minimise adverse environmental impacts, that includes:
  - A summary of key construction methodologies.
  - An overarching framework of measures to reduce and manage environmental and amenity effects during construction.
  - A summary of performance monitoring and reporting processes including any auditing, to ensure environmental and amenity impacts are reduced and managed during construction.
  - A plan for engagement with each relevant municipal council, the community and other stakeholders during construction, including enquiries and complaints management.

The environmental management framework must be accompanied by a summary of the consultation with each relevant municipal council that informed the preparation of the environmental management framework.
- If the Minister for Planning has decided that an assessment under the Environment Effects Act 1978 is not required for the proposed development and the decision is subject to conditions:
  - A report that detail show each condition has been considered and addressed in the design, construction and operation of the proposed development.
  - A copy of any report, plan or other document required to be prepared under those conditions.
- Any other information the Minister for Planning considers necessary to assist the Minister's assessment of the plans and documents required to be submitted under this clause.

The requirements of this clause:

- May be satisfied in separate components or stages of a project, but each requirement must be satisfied before the commencement of the use and development for that component or stage.
- May be varied or waived by the Minister.

The plans and other documents required by this clause may be amended to the satisfaction of the Minister for Planning.

52.35-8

14/05/2021  
VC198

#### Native vegetation requirements

In this clause:

- Guidelines means the Guidelines for removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, December 2017);
- levy area has the same meaning as in the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020;
- Secretary means the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation Forests and Lands Act 1987).

Before the removal, destruction or lopping of native vegetation outside the levy area to enable a preparatory use or development, information about that native vegetation in accordance with application requirements 4, 5, 9, 10 and 11 in Tables 4 and 5 to the Guidelines must be prepared to the satisfaction of the Secretary

Before the removal, destruction or lopping of native vegetation outside the levy area (other than to enable a preparatory use or development):

- Information about the native vegetation in accordance with the application requirements 4, 5, 9, 10, and 11 in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary

## MORNINGTON PENINSULA PLANNING SCHEME

- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the Guidelines to the satisfaction of the Secretary. The biodiversity impacts from the removal, destruction or lopping of native vegetation outside the levy area to enable a preparatory use or development must be included in the total biodiversity impacts when determining the offset to the satisfaction of the Secretary.
- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.

The timing of the offset requirement may be varied by the Secretary. The secured offset for a project may be reconciled at the completion of a project to the satisfaction of the Secretary.

Before the removal, destruction or lopping of native vegetation inside the levy area, information about the native vegetation in accordance with the application requirements 1, 5, 10 and 11 in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary.

The requirements of this clause may be satisfied in separate components or stages of a development, but each requirement must be satisfied before the removal, destruction or lopping of native vegetation for that component or stage.

## 52.35-9

14/05/2021  
VC198

## Preparatory use and development

For the purposes of clause 52.35, a preparatory use or development is a use or development required to prepare for the construction of a project or a component or stage of a project. It is limited to the following:

- Use and development that would not require a permit under a provision of this planning scheme but for the exemption in clause 52.35-3.
- Works associated with investigating, testing and surveying land.
- Creation and use of construction access points, accessway and working platforms.
- Site establishment works including construction of temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
- Construction and use of temporary car parking.
- Construction or installation of environmental and traffic controls, including designated no-go zones.
- Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
- Salvage and relocation of cultural heritage material and other management actions required to be carried out in compliance with:
  - a cultural heritage management plan prepared and/or approved under the Aboriginal Heritage Act 2006 or otherwise in compliance with that Act; or
  - the conditions of any permit or consent granted under the Heritage Act 2017 or otherwise in compliance with that Act.
- Demolition or removal of a building (other than a building in a Heritage Overlay) or works to the minimum extent necessary to enable another preparatory use or development.
- Removal, destruction or lopping of vegetation (other than a tree in the Heritage Overlay specified below) to the minimum extent necessary to enable another preparatory use or development.

For the purposes of clause 52.35, preparatory development does not include:

- Demolition or removal of a building in a Heritage Overlay
- Removal, destruction or lopping of a tree in a Heritage Overlay if the schedule to the overlay specifies the heritage place as one where tree controls apply.

## MORNINGTON PENINSULA PLANNING SCHEME

## 52.36

14/05/2021  
VC198

## RAIL PROJECTS

## 52.36-1

14/05/2021  
VC198

## Purpose

To facilitate the delivery of projects carried out by or on behalf of Rail Projects Victoria.

## 52.36-2

14/05/2021  
VC198

## Application

This clause applies to the use and development of land for a project carried out by or on behalf of Rail Projects Victoria.

This clause does not apply to:

- The subdivision of land.
- The use or development of land for a promotion sign or a major promotion sign.
- A use or development that would not require a permit under a provision of this planning scheme but for the provision of clause 52.36.
- A use or development to which clause 52.03 applies.
- A use or development for a project if a document has been incorporated into this planning scheme expressly for the project and the use and developments carried out on land to which the specific control contained in the document applies.
- A use or development carried out in accordance with a permit issued on or before the approval date of Amendment VC198.
- A use or development for which a planning permit is granted by the responsible authority in accordance with the provisions of this planning scheme which would apply in the absence of the exemption in clause 52.36-3.
- A development for which an environment effects statement has been, or is required by the Minister for Planning to be, prepared under the Environment Effects Act 1978

The provisions of clause 52.36 prevail over any inconsistent provision in this planning scheme.

## 52.36-3

14/05/2021  
VC198

## Exemption from planning scheme requirements

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits or restricts the use or development of land, requires the use or development of land to be carried out in a particular manner or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to a use or development to which this clause 52.36 applies if the requirements of clause 52.36 are met.

This exemption does not apply to a requirement in clauses 45.08 or 51.03, or in any schedule to those clauses.

## 52.36-4

20/01/2022  
VC205

## Use and development requirements

The use and development of land must be carried out generally in accordance with the plans and documents approved by the Minister for Planning under clause 52.36, to the satisfaction of the Minister for Planning.

The construction of a building or the construction or carrying out of works in a Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Urban Floodway Zone must be carried out to the satisfaction of the relevant floodplain management authority.

The creation or alteration of access to a road in a Transport Zone 2, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road, must be carried out to the satisfaction of the Head, Transport for Victoria.

## MORNINGTON PENINSULA PLANNING SCHEME

The use and development of land in a Public Acquisition Overlay must be carried out to the satisfaction of the relevant acquiring authority.

## 52.36-5

14/05/2021  
VC198

## Consultation requirements

Before the commencement of the use or development:

- Public consultation including consultation with relevant public authorities and the municipal council for the municipal district within which the proposed use or development will be carried out, must be carried out to the satisfaction of the Minister for Planning.
- A report that summarises the consultation undertaken and feedback received and explain how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

The requirements of this clause may be varied or waived by the Minister for Planning.

## 52.36-6

14/05/2021  
VC198

## Project boundary requirement

Before the use or development commences a plan that shows the boundary of the land on which the use or development will be carried out must be prepared to the satisfaction of the Minister for Planning.

The plan may be prepared in stages and may be amended to the satisfaction of the Minister for Planning.

## 52.36-7

14/05/2021  
VC198

## Other pre-commencement requirements

Before the use or development (other than a preparatory use or development) commences the following plans, documents and information must be prepared to the satisfaction of the Minister for Planning:

- A description of the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features characteristic and significance of the site and surrounding area including the existing use and development of the site and surrounding land.
- A description of the project.
- An explanation of how the proposed use or development responds to the decision guidelines in this planning scheme that would have applied to an application for a permit for the proposed use or development but for the provisions of this clause 52.36.
- If the land is in the Heritage Overlay and the proposed development would require a permit under the overlay but for the exemption in clause 52.36-3:
  - An assessment of the impact of the proposed development on the heritage significance of the heritage place.
  - Site plans and elevations showing the extent of the proposed development on the land.
  - Photographs of any buildings or works to be demolished or removed including photographs of the exterior and interior of the building and contextual images of the building's environs and setting.
- If the land is in an Environmental Significance Overlay, a Significant Landscape Overlay or a Vegetation Protection Overlay and the proposed development would require a permit under the overlay but for the exemption in clause 52.36-3, an explanation of how the proposed development responds to any environmental, vegetation or landscape significance or objective specified in a schedule to the overlay.
- An explanation of how the proposed use or development is consistent with any applicable Statement of Planning Policy.

## MORNINGTON PENINSULA PLANNING SCHEME

- An environmental management framework, prepared having regard to consultation undertaken with each relevant municipal council on environmental management for the use or development or measure to avoid or minimise adverse environmental impacts, that includes:
  - A summary of key construction methodologies.
  - An overarching framework of measures to reduce and manage environmental and amenity effects during construction.
  - A summary of performance monitoring and reporting processes including any auditing, to ensure environmental and amenity impacts are reduced and managed during construction.
  - A plan for engagement with each relevant municipal council, the community and other stakeholders during construction, including enquiries and complaints management.

The environmental management framework must be accompanied by a summary of the consultation with each relevant municipal council that informed the preparation of the environmental management framework.
- If the Minister for Planning has decided that an assessment under the Environment Effects Act 1978 is not required for the proposed development and the decision is subject to conditions:
  - A report that detail show each condition has been considered and addressed in the design, construction and operation of the proposed development.
  - A copy of any report, plan or other document required to be prepared under those conditions.
- Any other information the Minister for Planning considers necessary to assist the Minister's assessment of the plans and documents required to be submitted under this clause.

The requirements of this clause:

- May be satisfied in separate components or stages of a project, but each requirement must be satisfied before the commencement of the use and development for that component or stage.
- May be varied or waived by the Minister.

The plans and other documents required by this clause may be amended to the satisfaction of the Minister for Planning.

52.36-8

14/05/2021  
VC198

#### Native vegetation requirements

In this clause:

- Guidelines means the Guidelines for removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, December 2017);
- levy area has the same meaning as in the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020;
- Secretary means the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation Forests and Lands Act 1987).

Before the removal, destruction or lopping of native vegetation outside the levy area to enable a preparatory use or development, information about that native vegetation in accordance with application requirements 4, 5, 9, 10 and 11 in Tables 4 and 5 to the Guidelines must be prepared to the satisfaction of the Secretary

Before the removal, destruction or lopping of native vegetation outside the levy area (other than to enable a preparatory use or development):

- Information about the native vegetation in accordance with application requirements 4, 5, 9, 10, and 11 in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary

## MORNINGTON PENINSULA PLANNING SCHEME

- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the Guidelines to the satisfaction of the Secretary. The biodiversity impacts from the removal, destruction or lopping of native vegetation outside the levy area to enable a preparatory use or development must be included in the total biodiversity impacts when determining the offset to the satisfaction of the Secretary.
- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.

The timing of the offset requirement may be varied by the Secretary. The secured offset for a project may be reconciled at the completion of a project to the satisfaction of the Secretary.

Before the removal, destruction or lopping of native vegetation inside the levy area, information about the native vegetation in accordance with the application requirements 1, 5, 10 and 11 in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary.

The requirements of this clause may be satisfied in separate components or stages of a development, but each requirement must be satisfied before the removal, destruction or lopping of native vegetation for that component or stage.

## 52.36-9

14/05/2021  
VC198

## Preparatory use and development

For the purposes of clause 52.36, a preparatory use or development is a use or development required to prepare for the construction of a project or a component or stage of a project. It is limited to the following:

- Use and development that would not require a permit under a provision of this planning scheme but for the exemption in clause 52.36-3.
- Works associated with investigating, testing and surveying land.
- Creation and use of construction access points, accessway and working platforms.
- Site establishment works including construction of temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
- Construction and use of temporary car parking.
- Construction or installation of environmental and traffic controls, including designated no-go zones.
- Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
- Salvage and relocation of cultural heritage material and other management actions required to be carried out in compliance with:
  - a cultural heritage management plan prepared and/or approved under the Aboriginal Heritage Act 2006 or otherwise in compliance with that Act; or
  - the conditions of any permit or consent granted under the Heritage Act 2017 or otherwise in compliance with that Act.
- Demolition or removal of a building (other than a building in a Heritage Overlay) or works to the minimum extent necessary to enable another preparatory use or development.
- Removal, destruction or lopping of vegetation (other than a tree in the Heritage Overlay specified below) to the minimum extent necessary to enable another preparatory use or development.

For the purposes of clause 52.36, preparatory development does not include:

- Demolition or removal of a building in a Heritage Overlay
- Removal, destruction or lopping of a tree in a Heritage Overlay if the schedule to the overlay specifies the heritage place as one where tree controls apply.



MORNINGTON PENINSULA PLANNING SCHEME

53

31/07/2018  
VC148

GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.01

31/07/2018  
VC148

## PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988

## 53.01-1

31/07/2018  
VC148

## Exemption from public open space requirement specified in the scheme

A subdivision is exempt from a public open space requirement specified in this scheme if:

- It is one of the following classes of subdivision:
  - Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
  - Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.
- It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.
- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

## 53.01-2

31/07/2018  
VC148

## Exemption from public open space requirement under section 18(8)(a) of the Subdivision Act 1988

For the purposes of section 18(8)(a) of the Subdivision Act 1988, the following classes of subdivision are exempt from the public open space requirement:

- Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
- Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

Note: Check section 18A of the Subdivision Act 1988 for other requirements that apply to a public open space requirement specified in the planning scheme.

## MORNINGTON PENINSULA PLANNING SCHEME

05/08/2020  
VC176

## SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

1.0

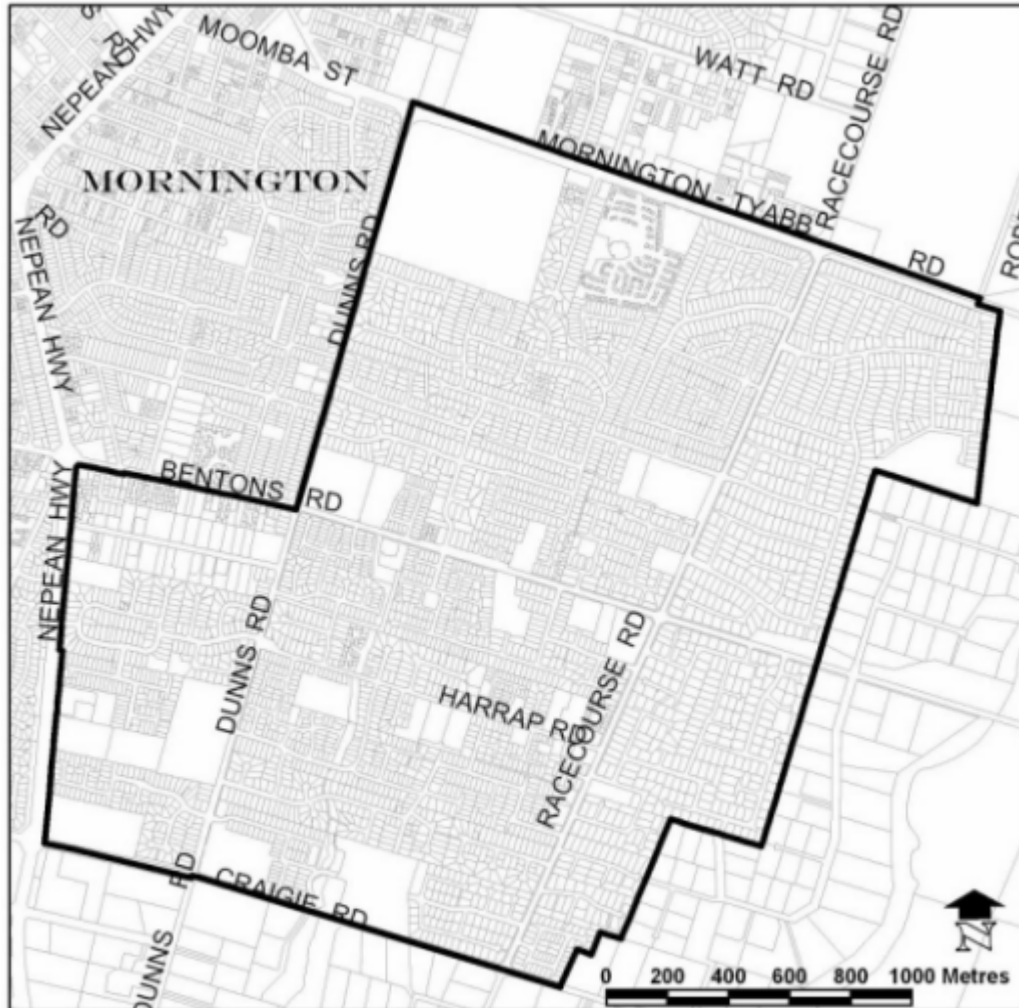
22/07/2021  
C255morn

## Subdivision and public open space contribution

Type or location of subdivision	Amount of contribution for public open space
Land bounded by Mornington-Tyabb Road; the boundary of the Residential 1 Zone between Mornington-Tyabb Road and Craigie Road; Craigie Road and Nepean Highway, Mornington as shown on Map 1 to this Schedule.	<p>Land contribution</p> <p>Nine percent (9%) of the land to be subdivided, or</p> <p>Cash-in-lieu contribution</p> <p>Twelve percent (12%) of the site value of the land to be subdivided, or</p> <p>Combination contribution</p> <p>A land contribution equal to nine percent (9%) of a portion of the land to be subdivided plus a cash-in-lieu contribution equal to twelve percent (12%) of the site value of the remaining portion of the land to be subdivided.</p>
Land affected by schedule 11 to Clause 43.02, being Design and Development Overlay Schedule 11 - Mt Eliza (North Of Tower Road) Development Design (DDO11).	<p>Five percent (5%) of the site area or five percent (5%) of the site value of the land to be subdivided; and a further five percent (5%) of the site area or five percent (5%) of the site value of the land to be subdivided; with any cash in lieu contribution to be applied towards environmental improvement (including conservation land acquisition) in the Mt Eliza area generally</p> <p>The calculation of this further five percent (5%) may be discounted by the area or site value of any lot that contains a dwelling that existed at 19 May 2005; provided that the total public open space contribution is equivalent to no less than \$10,000, indexed in accordance with the CPI, for every new lot created.</p>
1440 Frankston-Flinders Road Tyabb (Lot 2, LP 91280, Vol 8877 Fol 905).	<p>Land contribution</p> <p>Seven and a half percent (7.5%)</p>
Other Residential subdivision.	Five percent (5%)
Commercial.	Five percent (5%)
Industrial.	Five percent (5%)

## MORNINGTON PENINSULA PLANNING SCHEME

Map 1 to Schedule to Clause 53.01



## Legend



Land affected by the Schedule to Clause 53.01

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.02

31/07/2018  
VC148

## BUSHFIRE PLANNING

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To ensure that the location, design and construction of development appropriately respond to the bushfire hazard.

To ensure developments only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.

To specify location, design and construction measures for a single dwelling that reduce the bushfire risk to life and property to an acceptable level.

## 53.02-1

31/07/2018  
VC148

## Application

This clause applies to an application under Clause 44.06- Bushfire Management Overlay unless the application meets all of the requirements specified in a schedule to Clause 44.06.

Clause 53.02-3 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met:

- The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.
- There is only one dwelling on the lot.
- The application meets all of the approved measures contained in Clause 53.02-3.

Clause 53.02-4 applies to all other applications.

## 53.02-2

31/07/2018  
VC148

## Operation

The provisions of this clause contain:

- Objectives. An objective describes the outcome that must be achieved in a completed development.
- Approved measures (AM). An approved measure meets the objective.
- Alternative measures (AltM). An alternative measure may be considered where the responsible authority is satisfied that the objective can be met. The responsible authority may consider other unspecified alternative measures.
- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding on an application, including whether any proposed alternative measures are appropriate.

A schedule to Clause 44.06 may specify substitute approved measures, additional alternative measures and additional or substituted decision guidelines.

A substitute approved measure specified in a schedule to Clause 44.06 substitutes the applicable approved measure contained in this clause.

## 53.02-3

31/07/2018  
VC148

## Dwellings in existing settlements ? Bushfire protection objective

To specify bushfire design and construction measures for a single dwelling or alteration and extension to an existing dwelling that reduce the risk to life and property to an acceptable level.

## MORNINGTON PENINSULA PLANNING SCHEME

## Approved measures

Measure	Requirement
AM 1.1	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"> <li>▪ The maximum separation distance between the building and the bushfire hazard.</li> <li>▪ The building is in close proximity to a public road.</li> <li>▪ Access can be provided to the building for emergency service vehicles.</li> </ul>
AM 1.2	<p>A building provides the defensible space in accordance with Table 1 Columns A, B, C, D or E and Table 6 to Clause 53.02-5. Adjoining land may be included as defensible space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defensible space.</p> <p>A building is constructed to the bushfire attack level:</p> <ul style="list-style-type: none"> <li>▪ That corresponds to the defensible space provided in accordance with Table 1 to Clause 53.02-5, or</li> <li>▪ The next lower bushfire attack level that corresponds to the defensible space provided in accordance with Table 1 to Clause 53.02-5 where all of the following apply: <ul style="list-style-type: none"> <li>– A private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006) is constructed on the same land as the dwelling.</li> <li>– A minimum bushfire attack level of BAL12.5 is provided in all circumstances.</li> </ul> </li> </ul>
AM 1.3	<p>A building is provided with:</p> <ul style="list-style-type: none"> <li>▪ A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</li> <li>▪ Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</li> </ul>

53.02-3.1

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The bushfire hazard site assessment and the bushfire management statement submitted with the application.
- Whether all of the approved measures have been incorporated into the application.

53.02-4

14/12/2023  
VC253

## Bushfire protection objectives

53.02-4.1

## Landscape, siting and design objectives

Developments appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Developments sited to minimise the risk from bushfire.

Developments sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.

## MORNINGTON PENINSULA PLANNING SCHEME

## Approved measures

Measure	Requirement
AM 2.1	The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.
AM 2.2	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"> <li>▪ The maximum separation distance between the building and the bushfire hazard.</li> <li>▪ The building is in close proximity to a public road.</li> <li>▪ Access can be provided to the building for emergency service vehicles.</li> </ul>
AM 2.3	A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

## 53.02-4.2 Defendable space and construction objective

Defendable space and building construction mitigate the effect of flame contact, radiant heat and ember on buildings.

## Approved measures

Measure	Requirement
AM 3.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), small second dwelling, industry, office or retail premises is provided with defendable space in accordance with:</p> <ul style="list-style-type: none"> <li>▪ Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or</li> <li>▪ If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.</li> </ul> <p>The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.</p>
AM 3.2	<p>A building used for accommodation (other than a dwelling or small second dwelling), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:</p> <ul style="list-style-type: none"> <li>▪ Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.</li> <li>▪ Constructed to a bushfire attack level of BAL 12.5.</li> </ul>

## Alternative measures

Measure	Requirement
AltM 3.3	Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.
AltM 3.4	Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2018 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority.

## MORNINGTON PENINSULA PLANNING SCHEME

Measure	Requirement
AltM 3.5	<p>A building used for a dwelling (including an extension or alteration to a dwelling) may provide defensible space to the property boundary where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>▪ The lot has access to urban, township or other areas where: <ul style="list-style-type: none"> <li>– Protection can be provided from the impact of extreme bushfire behaviour.</li> <li>– Fuel is managed in a minimum fuel condition.</li> <li>– There is sufficient distance or shielding to protect people from direct flame contact or harmful levels of radiant heat.</li> </ul> </li> <li>▪ Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.</li> <li>▪ The dwelling is constructed to a bushfire attack level of BAL FZ.</li> </ul> <p>This alternative measure only applies where the requirements of AM 3.1 cannot be met.</p>
AltM 3.6	<p>A building used for accommodation (other than a dwelling or small second dwelling), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>▪ An integrated approach to risk management has been adopted that considers: <ul style="list-style-type: none"> <li>– The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.</li> <li>– The intended frequency and nature of occupation.</li> <li>– The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.</li> </ul> </li> <li>▪ Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.</li> </ul>

## 53.02-4.3 Water supply and access objectives

A static water supply is provided to assist in protecting property

Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

## Approved measures

Measure	Requirement
AM 4.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a small second dwelling, industry, office or retail premises is provided with:</p> <ul style="list-style-type: none"> <li>▪ A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.</li> <li>▪ Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</li> </ul> <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</p>
AM 4.2	<p>A building used for accommodation (other than a dwelling or small second dwelling), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:</p>



## MORNINGTON PENINSULA PLANNING SCHEME

Measure	Requirement
	<ul style="list-style-type: none"> <li>A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.</li> <li>Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</li> <li>An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.</li> </ul> <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</p>

## 53.02-4.4 Subdivision objectives

To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.

Measure	Requirement
AM 5.1	<p>An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting:</p> <ul style="list-style-type: none"> <li>The defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5.</li> <li>The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3.</li> </ul>
AM 5.2	<p>An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:</p> <ul style="list-style-type: none"> <li>Each lot satisfies the approved measure in AM 2.1.</li> <li>A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defensible space in accordance with: <ul style="list-style-type: none"> <li>Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or</li> <li>Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.</li> </ul> <p>The bushfire attack level that corresponds to the defensible space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.</p> </li> <li>Defensible space wholly contained within the boundaries of the proposed subdivision.</li> <li>Defensible space may be shared between lots within the subdivision. Defensible space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defensible space.</li> <li>Vegetation management requirements in accordance with Table 6 to implement and maintain the defensible space required under this approved measure.</li> <li>Water supply and vehicle access that complies with AM 4.1.</li> </ul>
AM 5.3	<p>An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.</p>

## MORNINGTON PENINSULA PLANNING SCHEME

Measure	Requirement
AM 5.4	A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

## Alternative measure

Measure	Requirement
AltM 5.5	<p>A building envelope for a subdivision that creates 10 or more lots required under AM 5.2 may show defensible space in accordance with Table 2 Column C and Table 6 to Clause 53.02-5 where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>All other requirements of AM 5.2 have been met.</li> <li>Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.</li> </ul>

## 53.02-4.5

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statements submitted with the application.
- The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.
- Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.
- Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.
- Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.
- If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.
- Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.

## MORNINGTON PENINSULA PLANNING SCHEME

53.02-5

20/03/2023  
VC229

Tables : Defendable space, construction, water supply , vehicle access, vegetation management and outbuilding construction requirements

Table 1 Defendable space and construction

Slope	Vegetation Type	Defendable space distance from building facade (metres)				
		Column A	Column B	Column C	Column D	Column E
All upslopes and flat land (0 degrees)	Forest	48	35	25	19	< 19
	Woodland	33	24	16	12	< 12
	Scrub	27	19	13	10	< 10
	Shrubland	19	13	9	7	< 7
	Mallee/ Mulga	17	12	8	6	< 6
	Rainforest	23	16	11	8	< 8
	Grassland	19	13	9	6	< 6
Downslope >0 to 5 degrees	Forest	57	43	32	24	< 24
	Woodland	41	29	21	15	< 15
	Scrub	31	22	15	11	< 11
	Shrubland	22	15	10	7	< 7
	Mallee/ Mulga	20	13	9	7	< 7
	Rainforest	29	20	14	10	< 10
	Grassland	22	15	10	7	< 7
Downslope >5 to 10 degrees	Forest	69	53	39	31	< 31
	Woodland	50	37	26	20	< 20
	Scrub	35	24	17	12	< 12
	Shrubland	25	17	11	8	< 8
	Mallee/ Mulga	23	15	10	7	< 7
	Rainforest	36	26	18	13	< 13
	Grassland	25	17	11	8	< 8
Downslope >10 to 15 degrees	Forest	82	64	49	39	< 39
	Woodland	60	45	33	25	< 25
	Scrub	39	28	19	14	< 14
	Shrubland	28	19	13	9	< 9

## MORNINGTON PENINSULA PLANNING SCHEME

Slope	Vegetation Type	Defendable space distance from building facade (metres)				
		Column A	Column B	Column C	Column D	Column E
	Mallee/ Mulga	26	18	11	8	< 8
	Rainforest	45	33	23	17	< 17
	Grassland	28	20	13	9	< 9
Downslope >15 to 20 degrees	Forest	98	78	61	50	< 50
	Woodland	73	56	41	32	< 32
	Scrub	43	31	21	15	< 15
	Shrubland	31	22	15	10	< 10
	Mallee/ Mulga	29	20	13	9	< 9
	Rainforest	56	42	29	22	< 22
	Grassland	32	23	15	11	< 11
		BAL 12.5	BAL19	BAL29	BAL40	BALFZ
Downslope >20 degrees	All vegetation	Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2018 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority.				
All slopes	Low threat vegetation	Defendable space is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is BAL 12.5.				
All slopes	Modified vegetation	Defendable space is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is BAL 29.				

Note1: Slope and vegetation type is determined through the bushfire hazard site assessment.

Note2: Modified vegetation is vegetation that does not fit into the vegetation classifications in AS3959:2018 Construction of buildings in bushfire prone areas (the standard) because it:

- has been modified, altered or is managed due to urban development or gardening,
- has different fuel loads from those assumed in the standard,
- has limited or no understory vegetation or
- is not low-threat or low-risk vegetation as defined in the standard.

Table 2 Defendable space and construction

Slope	Vegetation	Defendable space distance from building facade (metres)			
		Column A	Column B	Column C	Column D
All upslopes and flat land (0 degrees)	Forest	48	35	25	19
	Woodland	33	24	16	12

## MORNINGTON PENINSULA PLANNING SCHEME

Slope	Vegetation	Defendable space distance from building facade (metres)			
		Column A	Column B	Column C	Column D
	Scrub	27	19	13	10
	Shrubland	19	13	9	7
	Mallee/ Mulga	17	12	8	6
	Rainforest	23	16	11	8
	Grassland	19	13	9	6
Downslope >0 to 5 degrees	Forest	57	43	32	24
	Woodland	41	29	21	15
	Scrub	31	22	15	11
	Shrubland	22	15	10	7
	Mallee/ Mulga	20	13	9	7
	Rainforest	29	20	14	10
	Grassland	22	15	10	7
Downslope >5 to 10 degrees	Forest	69	53	39	31
	Woodland	50	37	26	20
	Scrub	35	24	17	12
	Shrubland	25	17	11	8
	Mallee/ Mulga	23	15	10	7
	Rainforest	36	26	18	13
	Grassland	25	17	11	8
Downslope >10 to 15 degrees	Forest	82	64	49	39
	Woodland	60	45	33	25
	Scrub	39	28	19	14
	Shrubland	28	19	13	9
	Mallee/ Mulga	26	18	11	8
	Rainforest	45	33	23	17
	Grassland	28	20	13	9
Downslope >15 to 20 degrees	Forest	98	78	61	50
	Woodland	73	56	41	32

## MORNINGTON PENINSULA PLANNING SCHEME

Slope	Vegetation	Defendable space distance from building facade (metres)			
		Column A	Column B	Column C	Column D
	Scrub	43	31	21	15
	Shrubland	31	22	15	10
	Mallee/ Mulga	29	20	13	9
	Rainforest	56	42	29	22
	Grassland	32	23	15	11
		BAL12.5	BAL19	BAL29	BAL40
Downslope >20 degrees	All vegetation	Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2018 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority.			
All slopes	Low threat vegetation	Defendable space is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is BAL 12.5.			
All slopes	Modified vegetation	Defendable space is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is BAL 29.			

Note1: Slope and vegetation type is determined through the bushfire hazard site assessment.

Note2: Modified vegetation is vegetation that doesn't fit into the vegetation classifications in AS3959:2018 Construction of buildings in bushfire prone areas (the standard) because it:

- has been modified, altered or is managed due to urban development or gardening,
- has different fuel loads from those assumed in the standard,
- has limited or no understorey vegetation or
- is not low-threat or low-risk vegetation as defined in the standard.

Table 3 Defendable space

Vegetation class	Defendable space distance from building facade (metres)				
	Upslope and flat land (0 degrees)	Downslope (degrees)			
		>0-5	>5-10	>10-15	>15-20
Forest	60	70	85	105	125
Woodland	40	50	62	75	95
Shrubland	25	28	32	36	41
Scrub	35	40	45	50	55
Mallee/Mulga	23	26	30	35	40
Rainforest	30	36	46	60	70

## MORNINGTON PENINSULA PLANNING SCHEME

Vegetation class	Defendable space distance from building facade (metres)				
	Upslope and flat land (0 degrees)	Downslope (degrees)			
		>0-5	>5-10	>10-15	>15-20
Grassland	35	40	45	50	55

Table 4 Water supply requirements

Capacity, fittings and access

Lot sizes (square meters)	Hydrant available	Capacity (litres)	Fire authority fittings and access required
Less than 500	Not applicable	2,500	No
500-1,000	Yes	5,000	No
500-1,000	No	10,000	Yes
1,001 and above	Not applicable	10,000	Yes

Note1: A hydrant is available if it is located within 120 metres of the rear of the building

## Fire authority requirements

Unless otherwise agreed in writing by the relevant fire authority, the water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosion resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/sof the water tank must be within 4 metres of the access way and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

Table 5 Vehicle access design and construction

Vehicle access (or part thereof) of a length specified in Column A implements the design and construction requirements specified in Column B.

Column A	Column B
Length of access is less than 30 metres	There are no design and construction requirements if fire authority access to the water supply is not required under AM4.1.

## MORNINGTON PENINSULA PLANNING SCHEME

Column A	Column B
Length of access is less than 30 metres	Where fire authority access to the water supply is required under AM4.1 fire authority vehicles should be able to get within 4 metres of the water supply outlet.
Length of access is greater than 30 metres	<p>The following design and construction requirements apply:</p> <ul style="list-style-type: none"> <li>▪ All-weather construction.</li> <li>▪ A load limit of at least 15 tonnes.</li> <li>▪ Provide a minimum trafficable width of 3.5 metres.</li> <li>▪ Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.</li> <li>▪ Curves must have a minimum inner radius of 10 metres.</li> <li>▪ The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.</li> <li>▪ Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.</li> </ul>
Length of access is greater than 100 metres	<p>A turning area for fire fighting vehicles must be provided close to the building by one of the following:</p> <ul style="list-style-type: none"> <li>▪ A turning circle with a minimum radius of eight metres.</li> <li>▪ A driveway encircling the dwelling.</li> <li>▪ The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.</li> </ul>
Length of access is greater than 200 metres	<ul style="list-style-type: none"> <li>▪ Passing bays must be provided at least every 200 metres.</li> <li>▪ Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.</li> </ul>

Note1: The length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer

Table 6 Vegetation management requirement

Vegetation management requirement
<p>Defendable space is provided and is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>▪ Grass must be short cropped and maintained during the declared fire danger period.</li> <li>▪ All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.</li> <li>▪ Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.</li> <li>▪ Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.</li> <li>▪ Shrubs must not be located under the canopy of trees.</li> <li>▪ Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.</li> </ul>



## MORNINGTON PENINSULA PLANNING SCHEME

## Vegetation management requirement

- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.

Table 7 Outbuilding construction requirement

## Building construction condition

The proposed outbuilding is separated from the adjacent building by a wall that extends to the underside of a non-combustible roof covering and:

- has a FRL of not less than 60/60/60 for loadbearing walls and -/60/60 for non-load bearing walls when tested from the attached structure side, or
- is of masonry, earth wall or masonry-veneer construction with the masonry leaf of not less than 90 millimetres in thickness.

Any openings in the wall shall be protected in accordance with the following:

- i. Doorways – by FLR -/60/30 self-closing fire doors
- ii. Windows – by FRL -/60/- fire windows permanently fixed in the closed position
- iii. Other openings – by construction with a FRL of not less than -/60/-

Note: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not comply with Item iii.

Note1: These conditions are required for some non-habitable outbuildings ancillary to a dwelling that do not require referral to the relevant fire authority. Applications for non-habitable outbuildings can also use the bushfire protection measures in Clause 53.02 however referral to the relevant fire authority will be required.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.03

01/01/2024  
VC250

## RESIDENTIAL RETICULATED GAS SERVICE CONNECTION

## Purpose

To prohibit residential reticulated gas connections to new dwellings, new apartment developments and new residential subdivisions.

## 53.03-1

01/01/2024  
VC250

## Application

This clause applies to an application for a permit under any provision of this scheme that is for or includes:

- construction of a new dwelling (other than a caretaker's house) or a new apartment development.
- the subdivision of land where the subdivision provides for or is for one or more purposes that include residential development.

This clause does not apply to an application for a permit that is solely for:

- the alteration or extension of an existing dwelling or apartment development.
- the subdivision of land or a building to create lots each containing an existing dwelling or apartment.
- the subdivision of land or a building to create lots each of which are intended to contain a dwelling or an apartment authorised by a planning permit that has been issued for the land.

## 53.03-2

01/01/2024  
VC250

## Building and works requirement

A permit must not be granted for construction of a new dwelling or a new apartment development that is to be connected to a reticulated gas service.

A permit granted for buildings and works in relation to an application to which this clause applies must include the following mandatory condition(s) as relevant:

For a dwelling:

"Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme) This condition continues to have force and effect after the development authorised by this permit has been completed."

For an apartment development:

"Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme) This condition continues to have force and effect after the development authorised by this permit has been completed."

## 53.03-3

01/01/2024  
VC250

## Subdivision requirement

A permit must not be granted for a subdivision that includes a lot that is to be connected to a reticulated gas service. This does not apply to:

- a lot that will not be used for, or include, a dwelling; or
- a lot that contains an existing dwelling or apartment; or
- a lot where a permit has been granted for a dwelling or apartment on the land in the lot.

A permit granted for subdivision in relation to an application to which this clause applies must include the following mandatory condition:

"Any lot shown on the endorsed plan must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme) This does not apply to:

- a lot that will not be used for, or include, a dwelling; or

## MORNINGTON PENINSULA PLANNING SCHEME

- a lot that contains an existing dwelling or apartment; or
- a lot where a permit has been granted for a dwelling or apartment on the land in the lot.

This condition continues to have force and effect after a statement of compliance under the Subdivision Act 1988 has been issued and the subdivision authorised by this permit has been completed."

## 53.03-4

01/01/2024  
VC250

## Application requirements

An application for a permit to which this clause applies must, in addition to those application requirements specified elsewhere in the scheme, be accompanied by details of the proposed energy provision other than a connection to a reticulated gas service, as appropriate to the satisfaction of the responsible authority.

## 53.03-5

01/01/2024  
VC250

## Transitional provisions

The requirements of this clause introduced by Amendment VC250 do not apply to:

- An application lodged before the approval date of Amendment VC250.
- An application for an amendment to a permit under section 72 of the Act with respect to a permit issued in accordance with the above transitional provision.

## 53.03-6

01/01/2024  
VC250

## Definitions

In this clause:

Connected to a reticulated gas service means:

- In the case of a building, reticulated natural gas is directly supplied to the building. This does not include liquefied petroleum gas (LPG).
- In the case of a subdivision for residential purposes, reticulated natural gas is directly supplied to a lot. This does not include liquefied petroleum gas (LPG).

New dwelling means:

- A new building, buildings, or part of a building, constructed to be used as a dwelling (other than a caretaker's house) not including the alteration or extension of an existing dwelling.
- A new building, buildings, or part of a building, connected to an existing dwelling and constructed to be used as a separate dwelling (other than a caretaker's house) provided the use does not incorporate any part of what was the gross floor area (excluding external or party walls) of the existing dwelling.
- A new outbuilding or swimming pool associated with an existing or proposed dwelling, provided it is not within the gross floor area (excluding external or party walls) of an existing dwelling.

It does not include a new apartment development.

New apartment development means a new building, buildings, or part of a building, constructed to contain one or more apartments whether or not any other use is provided for, but does not include the extension or alteration of, or the addition of new apartments to, an existing apartment development.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.04

31/07/2018  
VC148

## CONVENIENCE RESTAURANT AND TAKE-AWAY FOOD PREMISES

## 53.04-1

31/07/2018  
VC148

## Application

These requirements only apply to land in a residential zone.

## 53.04-2

20/01/2022  
VC205

## Decision guidelines

Before deciding on an application to use land for a convenience restaurant or take-away food premises or to construct a building or construct or carry out works associated with a convenience restaurant or take-away food premises in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- Any policy in this scheme relating to convenience restaurant or take-away food premises.
- Whether the location is appropriate for a convenience restaurant or take-away food premises having regard to:
  - Amenity of the neighbourhood.
  - Proximity of the land to non-residential uses and zones.
  - Effect of the use on heritage and environment features.
  - Capacity of the land to contain significant off-site effects.
  - Access to land in a Transport Zone 2 or Transport Zone 3.
  - The suitability of the land for a residential use.
- The effect on the amenity or character of the street or neighbourhood having regard to:
  - Massing and proportions of any building.
  - Ground floor height above ground level.
  - Ceiling heights.
  - Roof form and pitch.
  - Facade articulation.
  - Window and door proportions.
  - Building features including verandas, towers, eaves, parapets and decorative elements.
  - Building materials, patterns, textures and colours.
- Whether the site layout and the design of buildings, noise attenuation measures, landscaping, car parking, vehicle access lanes, loading bays, rubbish bins, plant and equipment, lights, signs, drive through facilities and playgrounds are designed to prevent significant loss of amenity to adjoining land due to noise, emission of noise, emission of light or glare, loss of privacy, litter or odour.
- Whether any special measure may be necessary to protect the amenity of adjoining land in residential use, including buffer planting, noise attenuation measures and litter collection arrangements.
- The adequacy of traffic measures to:
  - Provide a safe pedestrian movement.
  - Achieve a safe, efficient vehicle movement on site and access to and egress from the land.

## MORNINGTON PENINSULA PLANNING SCHEME

- Avoid disruption to traffic flow on land in a TransportZone2 or TransportZone3.
- Prevent inappropriate use of local residential streets.
- The adequacy of car parking, loading and drive through queuing spacing to accommodate customers at peak periods and employee requirements on the land.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.05

14/05/2021  
VC198

## FREEWAY SERVICE CENTRE

## Purpose

To ensure that freeway service centres are appropriately designed and located.

To ensure that access to a freeway service centre from a freeway is designed to the requirements of the Head, Transport for Victoria.

To ensure that freeway service centres with access to a rural freeway provide only essential services and facilities which encourage drivers to stop and take an effective break at appropriate intervals in the interests of driver safety.

To ensure that any new freeway service centre meets an identifiable need to provide essential services and facilities along a freeway where those services and facilities are not readily available.

To ensure that the use of land for a freeway service centre does not adversely affect the amenity of surrounding land uses.

## 53.05-1

14/08/2023  
VC236

## Requirements to be met

## Facilities and services

A freeway service centre must provide only essential services and facilities. These essential services and facilities must be available at all times. Essential services and facilities that a freeway service centre must include are:

- Designated parking areas.
- Undercover fuel sales area.
- An area of not more than 240 square metres for the sale of food, drinks and other convenience goods.
- An indoor sit-down eating area.
- A safe play area for children.
- Public toilets.
- A public telephone.

A freeway service centre with access to a rural freeway must also provide local and regional tourist information.

A freeway service centre must not include:

- Mechanical repairs (other than the emergency repair of vehicles).
- Retail facilities of more than 240 square metres.
- Video hire.
- Post office services or facilities.
- Entertainment facilities, amusement machines or gaming machines.
- The sale, distribution or consumption of alcohol unless associated with a residential hotel/motel.
- Car or truck wash facilities.

A freeway service centre with access to a rural freeway must not include overnight accommodation (other than for a caretaker or site manager).

## Access to freeway service centres

No vehicular access between a freeway service centre with access to a metropolitan freeway and the local road network may be permitted.

## MORNINGTON PENINSULA PLANNING SCHEME

An application to use or develop land for a freeway service centre must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.02.

A permit must not be granted for a freeway service centre until approval for access to the freeway has been given by the person or body specified as the referral authority in Clause 66.02.

In accordance with section 62(1)(a) of the Act, a permit granted for a freeway service centre must include the condition:

“This permit will expire if one of the following circumstances applies:

- The developments not commenced within two years of the date of this permit.
- The developments not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.”

Metropolitan freeway service centre adjoining a residential zone

If the site for a freeway service centre with access to a metropolitan freeway adjoins a residential zone:

- A landscape buffer at least 3 metres wide must be provided on the site along the common boundary and must be planted and maintained to the satisfaction of the responsible authority
- Except for the landscape buffer strip, all of the site not occupied by buildings must be sealed to prevent dust.
- External lights must be directed away from the residential zone to prevent light spill and glare.

53.05-2

31/07/2018  
VC148

Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The Freeway Service Centres Design Guidelines, May 1997.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.06

28/09/2020  
VC183

## LIVE MUSIC ENTERTAINMENT VENUES

## Purpose

To recognise that live music is an important part of the State's culture and economy

To encourage the retention of existing and the development of new live music entertainment venues.

To protect live music entertainment venues from the encroachment of noise sensitive residential uses.

To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.

To ensure that the primary responsibility for noise attenuation rests with the agent of change.

## 53.06-1

28/09/2020  
VC183

## Application

This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with:

- A live music entertainment venue.
- A noise sensitive residential use that is within 50 metres of a live music entertainment venue.
- A noise sensitive residential use that is in an area specified in clause 1.0 of the schedule to this clause

This clause does not apply to:

- The extension of an existing dwelling.
- A noise sensitive residential use that is in an area specified in clause 2.0 of the schedule to this clause.

## 53.06-2

14/12/2023  
VC253

## Meaning of terms

In this clause:

- live music entertainment venue means:
  - a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment
  - a rehearsal studio
  - any other venue used for the performance of music and specified in clause 3.0 of the schedule to this clause, subject to any specified condition or limitation.
- noise sensitive residential use means a community care accommodation, dwelling, residential aged care facility, residential village, retirement village, rooming house or small second dwelling.

## 53.06-3

04/05/2022  
VC210

## Requirements to be met

A live music entertainment venue must be designed, constructed and managed to minimise noise emission from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:



## MORNINGTON PENINSULA PLANNING SCHEME

- Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020)
- Outdoor live music entertainment venue to below 45dB(A), assessed as an  $L_{eq}$  over 15 minutes.

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826).

A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.

53.06-4

28/09/2020  
VC183

## Application requirements

An application must be accompanied by the following information, as appropriate:

- A site analysis, including plans detailing:
  - the existing and proposed layout of the use, buildings or works, including all external windows and doors
  - the location of any doors, windows and open space areas of existing properties in close proximity to the site.
- If the application is associated with a noise sensitive residential use:
  - the location of any live music entertainment venues within 50 metres of the site
  - the days and hours of operation of identified venues.
- If the application is associated with a live music entertainment venue:
  - the location of any noise sensitive residential uses within 50 metres of the site
  - the days and hours of operation of that venue
  - the times during which live music will be performed.
- Details of existing and proposed acoustic attenuation measures.
- An assessment of the impact of the proposal on the functioning of live music venues.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

53.06-5

28/09/2020  
VC183

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The extent to which the siting, layout, design and construction minimises the potential for noise impacts.
- Whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.
- Whether the proposal adversely affects any existing uses.
- The social and economic significance of an existing live music entertainment venue.
- The impact of the proposal on the functioning of live music venues.

## MORNINGTON PENINSULA PLANNING SCHEME

18/02/2021  
GC175

## SCHEDULE TO CLAUSE 53.06 LIVE MUSIC ENTERTAINMENT VENUES

1.0

04/05/2022  
VC210

## Areas to which Clause 53.06 does apply

Name of area	Description
None specified	

2.0

04/05/2022  
VC210

## Areas to which Clause 53.06 does not apply

Name of area	Description
None specified	

3.0

04/05/2022  
VC210

## Other venues to which Clause 53.06 applies

Name of venue	Address	Condition or limitation
None specified		

## MORNINGTON PENINSULA PLANNING SCHEME

53.07

31/07/2018  
VC148

## SHIPPING CONTAINER STORAGE

## Application

This clause applies to all land except land which is in a Special Use Zone established for the purpose of port and port-related activities, or is in a Port Zone.

53.07-1

20/01/2022  
VC205

## Decision guidelines

Before deciding on an application to use land for shipping container storage or construct a building or construct or carry out works associated with shipping container storage in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- Whether the location is appropriate for shipping container storage having regard to:
  - The zoning of the land.
  - Amenity of the neighbourhood.
  - Proximity of the land to residential uses and zones or other sensitive uses.
  - Access to a road in a Transport Zone 2 or a Transport Zone 3.
  - Access to rail facilities.
  - Capacity and suitability of the road network to accommodate the type and volume of vehicle traffic generated by the use.
  - Capacity of the site to accommodate the proposed use.
- The effect on the environment and the amenity and character of the neighbourhood having regard to:
  - Existing and planned use of land in the neighbourhood.
  - Location, height and setback of shipping container stacks particularly near road boundaries.
  - Location of facilities for the cleaning, repair, servicing, painting or fumigation of shipping containers.
  - Hours of operation.
  - Design, construction and maintenance of external storage and vehicle movement areas.
  - Treatment and disposal of wastewater
- Whether the site layout and the design of buildings, landscaping, vehicle access lanes, loading bays, wash bays, lighting and fencing are designed to avoid or minimise any significant off-site impacts due to the emission of noise, light, glare, dust, fumes or drainage.
- Whether any special measures may be necessary to protect the environment and the amenity of nearby sensitive uses including noise attenuation measures, dust minimisation measures and waste storage arrangements.
- The need for landscaping and fencing to screen or soften the appearance of shipping container storage areas particularly near road boundaries.
- The adequacy and effect of the landscaping on the appearance of the site, taking into account the streetscape character, the size of the site, and the height, mass and scale of shipping container stacks on the site.
- The adequacy of traffic measures to:

## MORNINGTON PENINSULA PLANNING SCHEME

- Achievesafe,efficientvehiclemovementon siteandaccess to andegressfrom theland.
- Preventinappropriatuseof localresidentialstreets.
- Theadequacyof truck parking,loadingandtruck queueingspacingto accommodatetruck movementsat peakperiodsandemployee requirements on theland.

## MORNINGTON PENINSULA PLANNING SCHEME

53.08

31/07/2018  
VC148

## CATTLE FEEDLOT

## Purpose

To facilitate the establishment and expansion of cattle feedlots in Victoria in a manner which is consistent with orderly and proper planning and the protection of the environment.

53.08-1

31/07/2018  
VC148

## Requirements to be met

All use and development of cattle feedlots must comply with the Victorian Code for Cattle Feedlots - August 1995.

The Code must be complied with to the satisfaction of the responsible authority.

## MORNINGTON PENINSULA PLANNING SCHEME

53.09

11/04/2019  
VC156

## POULTRY FARM

## Purpose

To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment.

53.09-1

21/09/2018  
VC150

## Application

This clause applies to permit applications to use land or construct a building or constructor carry out works for a poultry farm, including to increase the farm capacity of an existing poultry farm.

53.09-2

21/09/2018  
VC150

## Permit not required ? Outdoor range area for existing broiler farm

Any requirement of this scheme relating to the use of land or to the construction of a building or the construction or carrying out of works does not apply to the use and development of land for an outdoor range area in association with an existing broiler farm provided the following requirements are met:

- There are no more than 150,000 chickens permitted on the land at any time.
- The number of chickens on the land is not increased.

This exemption does not apply to the requirements of any overlay that applies to the land.

53.09-3

21/09/2018  
VC150

## Requirement ? Broiler farm

An application to use land or construct a building or constructor carry out works for a broiler farm must comply with the Victorian Code for Broiler Farms 2009 (plus 2018 amendments)

This requirement does not apply if:

- There are no more than 10,000 chickens permitted on the land at any time; or
- The number of chickens on the land is not increased.

53.09-4

11/04/2019  
VC156

## Exemption from notice and review

The following applications are exempt from the notice requirements of section 52 (1)(a), (b) and (d), the decision requirements of section 64 (1), (2) and (3) and the review rights of section 82 (1) of the Act:

- An application to use land or construct a building or constructor carry out works for a new broiler farm, or to increase the farm capacity of an existing broiler farm, if the application meets the requirements of a "Class A Broiler Farm", as specified in the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).
- An application to use land or construct a building or constructor carry out works for a poultry farm for the production of chicken meat or chicken eggs, if the application meets the following requirements:
  - The number of chickens does not exceed 5,000 for egg production or 10,000 for meat production.
  - The outdoor stocking density does not exceed 1,500 chickens per hectare.
  - A Nutrient Management Plan demonstrates chickens are kept outdoors on paddocks with:
    - A minimum of 50% ground cover; and
    - Mobile housing and feeding infrastructure that is relocated at least every two weeks.
  - An area used as a poultry range including associated buildings and works, meets the setback requirements specified in Table 1.

## MORNINGTON PENINSULA PLANNING SCHEME

Table 1 Minimum setbacks

Chicken numbers	Minimum distance to a building used for a sensitive use (accommodation, child care centre, education centre and hospital)	Minimum distance to land in a residential zone
1,000 chickens or less	50 metres	200 metres
More than 1,000 chickens	100 metres	400 metres

## 53.09-5

21/09/2018  
VC150

## Notice of an application

Notice of an application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the Victorian Code for Broiler Farms 2009 (plus 2018 amendments) must be given under Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified in Clause 66.05.

## 53.09-6

21/09/2018  
VC150

## Decision guidelines

Before deciding on an application to use land or construct a building or constructor carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or waterbodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plans submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (June 2018).

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.10

26/05/2020  
VC175

## USES AND ACTIVITIES WITH POTENTIAL ADVERSE IMPACTS

## Purpose

To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.

## 53.10-1

26/09/2023  
VC246

## Threshold distance

The threshold distance referred to in the table to this clause is the shortest distance from any part of the land to:

- land (not a road) in an Activity Centre Zone, Capital City Zone, Commercial Zone, Docklands Zone, residential zone or Rural Living Zone; or
- land used for a hospital, an education centre or a corrective institution; or
- land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.

An application to use land for an industry, utility installation or warehouse for a purpose listed in the table to this clause must be referred to the Environment Protection Authority under section 55 of the Act if the threshold distance is not to be met or no threshold distance is specified.

Table to Clause 53.10-1

Type of use or activity (purpose)	Threshold distance (metres)
Basic metal products	
Iron or steel production:	
▪ up to 1,000,000 tonnes per year	500
▪ exceeding 1,000,000 tonnes per year	1,000
Non-ferrous metal production:	
▪ up to 100 tonnes per year	100
▪ between 100 and 2,000 tonnes per year	300
▪ exceeding 2,000 tonnes per year	500
▪ aluminium by electrolysis	2,000
Chemical, petroleum and coal products	
Ammunition, explosives and fireworks production	1,000
Biocides production and storage	1,000
Briquette production	300
Chemical product manufacture other than listed within this group	300
Coke processing	500
Cosmetics and toiletries production	100



## MORNINGTON PENINSULA PLANNING SCHEME

Type of use or activity (purpose)	Threshold distance (metres)
Fertiliser production	1,000
Gasworks	1,000
Industrial gases production	1,000
Organic and inorganic industrial chemicals production other than those listed within this group	2,000
Other petroleum or coal production	500
Paints and inks manufacture, blending and mixing exceeding 2,000 tonnes per year	500
Petroleum refinery	2,000
Pharmaceutical and veterinary chemical production	1,000
Polyester and synthetic resins production, exceeding 2,000 tonnes per year	1,000
Rubber production:	
▪ synthetic rubber, exceeding 2,000 tonnes per year	1,000
▪ using either organic solvents or carbon black	300
▪ using sulphur	1,000
Soap and detergent production	500
Fabricated metal products	
Abrasive blast cleaning	500
Boiler maker	100
Metal coating and finishing	500
Structural or sheet metal production	500
Food and beverages	
Alcoholic and non-alcoholic beverage production, exceeding 5,000 litres per day	500
Animal processing	1,000
Bakery (other than one ancillary to a shop):	
▪ exceeding 200 tonnes per year	100
▪ night-time operations, exceeding 200 tonnes per year	500
Flour mill, exceeding 200 tonnes per year	250
Food production other than those listed within this group:	
▪ exceeding 200 tonnes per year	250

## MORNINGTON PENINSULA PLANNING SCHEME

Type of use or activity (purpose)	Threshold distance (metres)
▪ including frying, drying or roasting, exceeding 200 tonnes per year	500
Grain and stockfeed mill and handling facility	
▪ with meat meals or tallow	500
▪ no meat meals or tallow	250
Maltworks, exceeding 200 tonnes per year	500
Manufacture of milk products, exceeding 200 tonnes per year	300
Milk depot	100
Pet food production	500
Production of vegetable oils and animal fats using solvents, exceeding 200 tonnes per year	500
Seafood processor, exceeding 200 tonnes per year	500
Smallgoods production:	
▪ exceeding 200 tonnes per year	100
▪ including smoking and drying, exceeding 200 tonnes per year	500
Miscellaneous manufacturing	
Printing and coating works with heated curing ovens	500
Rendering and casings works	1,000
Non-metallic mineral products	
Bitumen batching plant	1,000
Cement production in amounts:	
▪ up to 5,000 tonnes per year	300
▪ between 5,000 and 150,000 tonnes per year	500
▪ exceeding 150,000 tonnes per year	1,000
Cement, lime, clay bricks, tiles and pipe refractories, with a design production rate exceeding 10,000 tonnes per year:	500
Concrete batching plant, with a production rate exceeding 5,000 tonnes per year	300
Glass and glass production including glass wool and fibreglass	500
Plaster or plaster articles production, exceeding 5,000 tonnes per year	200
Rock wool manufacture	500

## MORNINGTON PENINSULA PLANNING SCHEME

Type of use or activity (purpose)	Threshold distance (metres)
Solar salt manufacture	1,000
Other premises	
Automotive body, paint and interior repair	100
Rural industry handling, processing or packing agricultural produce	300
Paper and paper products	
Paper or paper pulp production:	
▪ involving combustion of sulphur or sulphur containing materials	5,000
▪ from semi-processed materials	100
▪ from prepared cellulose and rags	200
▪ by other methods than above	None specified
Recreational, personal and other services	
Dry cleaning for commercial and institutional customers, or in bulk quantities	100
Laundry for commercial and institutional customers, or in bulk quantities	100
Textiles	
Carpet backing with latex	500
Dyeing or finishing of cotton, linen and woollen yarns and textiles	300
Leather and artificial leather goods production	300
Leather tanning and dressing:	
▪ up to 250 tonnes per year	300
▪ exceeding 250 tonnes per year	2,000
Rope, cordage and twine production	100
Treatment or production of natural and synthetic fibres and textiles	1,000
Treatment or production of textiles using carbon disulphide	500
Wool scouring	200
Transport and storage	
Bus depot	200
Depot for refuse collection vehicles	100
Storage of bulk volatile organic compounds in quantities greater than 1,000 tonnes	1,000

## MORNINGTON PENINSULA PLANNING SCHEME

Type of use or activity (purpose)	Threshold distance (metres)
Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity:	
▪ with fixed roofs	300
▪ with floating roofs	100
Storage of wet-salted or unprocessed hides	250
Waste, recycling and resource recovery	
Chemical or oil recycling	1,000
Combustion, treatment or bio-reaction of waste to produce energy	None specified
Composting and other organic materials recycling	None specified
Container deposit scheme centre exceeding 1,000 square metres gross floor area	200
Hazardous waste storage or treatment	1,000
Landfill	None specified
Other resource recovery or recycling operations	None specified
Soil conditioning or blending	None specified
Transfer station (other than Automated collection point and Container deposit scheme centre):	
▪ accepting organic wastes	500
▪ other	200
Used plastics treatment or processing	500
Waste tyre recycling and re-treading	1,000
Vehicle recycling or disposal	500
Water and wastewater	
Sewage treatment plant, exceeding a design or actual flow rate of 5,000 litres per day	None specified
Water treatment plant	None specified
Wood, wood products and furniture	
Charcoal production:	
▪ by the retort process	500
▪ other than by the retort process	1,000
Joinery	100

MORNINGTON PENINSULA PLANNING SCHEME

Type of use or activity (purpose)	Threshold distance (metres)
Sawmill, wood products and furniture	500
Wood preservation plant:	
up to 10,000 cubic metres of timber per year	100
exceeding 10,000 cubic metres of timber per year	300

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.11

31/07/2018  
VC148

## TIMBER PRODUCTION

## 53.11-1

31/07/2018  
VC148

Timber production on Crown land

Any requirements of this scheme which:

- requires timber production to be conducted in a particular way
- requires that a permit be obtained to use or develop land for timber production or to carry out timber production in a particular way
- requires that some aspect of timber production be carried out to the satisfaction of the responsible authority

does not apply to timber production on unalienated land of the Crown managed and controlled by the Minister responsible for administering the Forests Act 1958 and the Sustainable Forests (Timber) Act 2004, or the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation Forest and Lands Act 1987), whether or not occupied under a licence or other right. All requirements of this scheme apply to Crown land which has been leased.

## 53.11-2

20/03/2023  
VC229

Timber production to comply with the Code of Practice for Timber Production

All timber production activities (except agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), windbreaks and commercial plantations of 5 hectares or less) must comply with the Code of Practice for Timber Production 2014 (as amended 2022) (Department of Environment, Land, Water and Planning, 2022). In accordance with Section 6(4A) of the Planning and Environment Act 1987, this applies whether the use of land for timber production is commenced before or after the coming into effect of this requirement.

The Code must be complied with to the satisfaction of the responsible authority.

A permit may require that matters required by the Code must be done to the satisfaction of the responsible authority or a Minister, public authority or referral authority, and may require the responsible authority to seek comments from any other person or authority before making a decision.

## 53.11-3

31/07/2018  
VC148

Road repairs

After a Timber Harvesting Plan is lodged with the responsible authority under the Code and before the commencement of harvesting operations, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which are proposed to be used as a cartage route.

The forest owner or manager must advise the responsible authority when harvesting operations are complete. After receiving this advice, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which were used as a cartage route.

It is the responsibility of the forest owner or manager to restore any roads which were used as a cartage route to the same condition that they were in before the commencement of harvesting operations to the extent of any damage caused as a result of the harvesting operations.

The cartage of timber associated with harvesting operations is extraordinary traffic for the purpose of Section 112 of the Road Management Act 2004.

## 53.11-4

31/07/2018  
VC148

Decision guidelines

Before deciding on an application to use or develop land for timber production, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

## MORNINGTON PENINSULA PLANNING SCHEME

- The need to encourage plantation establishment and timber production in locations where it is of significance to national, state and regional economies and in areas affected by salinity and other forms of land degradation.
- The role of native forest and plantations in:
  - Protecting water quality.
  - Conserving flora and fauna.
  - Preventing degradation including soil erosion, salinisation and water logging.
  - Preventing adverse effects on groundwater recharge.
- The preservation of and impact on the natural environment, cultural heritage and visual amenity
- Whether it is appropriate to require environmental protection standards greater than those in the Code.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.12

08/08/2019  
VC159

## RACING DOG HUSBANDRY

## Purpose

To ensure the use and development of land for racing dog husbandry is consistent with orderly and proper planning.

## 53.12-1

08/08/2019  
VC159

## Requirement

An application to use land, or construct a building or construct or carry out works, for racing dog husbandry under a provision of a rural zone must comply with Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017).

This requirement does not apply to an application to construct a building or construct or carry out works associated with a use that is a Section 1 use in the Table of uses of the zone.

## 53.12-2

31/07/2018  
VC148

## Exemption from notice and review

An application to which the requirement in Clause 53.12-1 applies is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the approved measures specified in Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017) are met.



## MORNINGTON PENINSULA PLANNING SCHEME

53.13

17/09/2019  
VC161

## RENEWABLE ENERGY FACILITY (OTHER THAN WIND ENERGY FACILITY)

## Purpose

To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

53.13-1

17/09/2019  
VC161

## Application

This clause applies to an application under any provision of this planning scheme to use or develop land for a renewable energy facility (other than a wind energy facility).

53.13-2

01/07/2021  
VC203

## Application requirements

An application must be accompanied by the following information, as appropriate:

- A site and context analysis including:
  - A site plan, photographs or other techniques to accurately describe the site and the surrounding area.
  - A location plan showing the full site area, local electricity grid, access roads to the site and direction and distance to nearby accommodation, hospital or education centre.
- A design response including:
  - Detailed plans of the proposed development including, the layout and height of the facility and associated building and works, materials, reflectivity, colour, lighting, landscaping the electricity distribution starting point (where the electricity will enter the distribution system), access roads and parking areas.
  - Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
  - The extent of vegetation removal and a rehabilitation plan for the site.
  - Written report and assessment including:
    - An explanation of how the proposed design derives from and responds to the site analysis.
    - A description of the proposal, including the types of processes to be utilised, materials to be stored and the treatment of waste.
    - Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
    - the potential amenity impacts such as noise, glint, light spill, emissions to air, land or water, vibration, smell and electromagnetic interference.
    - the effect of traffic to be generated on roads.
    - the impact upon Aboriginal or non-Aboriginal cultural heritage.
    - the impact of the proposal on any species listed under the Flora and Fauna Guarantee Act 1988 or Environment Protection and Biodiversity Conservation Act 1999
    - A statement of why the site is suitable for a renewable energy facility including, a calculation of the greenhouse benefits.
    - An environmental management plan including, a construction management plan, any rehabilitation and monitoring.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.13-3

28/10/2022  
VC224

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference.
- The impact of the proposal on significant views, including visual corridors and sightlines.
- The impact of the proposal on strategically important agricultural land.
- The impact of the proposal on the protection of declared irrigation districts.
- The impact of the proposal on the natural environment and natural systems.
- The impact of the proposal on the road network.
- Solar Energy Facilities Design and Development Guideline (Department of Environment, Land, Water and Planning, October 2022).

## 53.13-4

17/09/2019  
VC161

## Amendment VC161 transitional provisions

Clauses 19.01-2 and 53.13 of this planning scheme as in force immediately before the approval date of Amendment VC161, continue to apply to an application to use or develop land for a renewable energy facility (other than a wind energy facility) lodged before the approval date of Amendment VC161.

Clauses 14.02-3 and 66.02-12 of this planning scheme do not apply to an application to use or develop land for a renewable energy facility (other than a wind energy facility) lodged before the approval date of Amendment VC161.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.14

31/07/2018  
VC148

## RESOURCE RECOVERY

## Purpose

To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

## 53.14-1

31/07/2018  
VC148

## Application

This clause applies to all land used and developed or proposed to be used and developed for:

- A Transfer station;
- A Materials recycling facility.

## 53.14-2

01/07/2021  
VC203

## Application requirements

An application must be accompanied by the following information:

- A location plan showing the site and surrounding uses including distances to nearby sensitive uses such as residential, hospital or education uses.
- A detailed site plan showing the layout and height of buildings and works, materials, reflectivity, colour, lighting, landscaping access roads and parking areas.
- Plans or other media showing anticipated views of the facility from sensitive use locations.
- A written report(s) including:
  - Identification of the purpose of the use.
  - A description of the proposal including the material to be processed, the types of processes to be used and any material to be stored and handled.
  - Proposed hours of operation.
  - Likely traffic generation including heavy vehicles.
  - Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- An assessment of:
  - Potential amenity impacts such as noise, odour, emissions to air, land or water, vibration, dust, light spill, visual impact.
  - The impact of traffic generation on local roads.

## 53.14-3

31/07/2018  
VC148

## Decision Guidelines

Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:

- The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.
- The impact of the proposal on the amenity of the surrounding area.
- The Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015).
- Any Regional Waste and Resource Recovery Implementation Plan including the Metropolitan Waste and Resource Recovery Implementation Plan (Metropolitan Waste and Resource Recovery Group, 2016).

## MORNINGTON PENINSULA PLANNING SCHEME

- Relevant guidelines applicable to the application including the guideline for Designing, Constructing and Operating Composting Facilities (Environmental Protection Authority, 2015), the Guide to Best Practice for Organics Recovery (Sustainability Victoria, 2009) and the Guide to Best Practice at Resource Recovery Centres (Sustainability Victoria, 2009).

## MORNINGTON PENINSULA PLANNING SCHEME

53.15

31/07/2018  
VC148

## STATEMENT OF UNDERLYING PROVISIONS

## Purpose

To specify the planning scheme provisions which would have applied to land reserved for a public purpose pursuant to section 6(2)(i) of the Planning and Environment Act 1987 if the land had not been reserved for that purpose.

53.15-01

31/07/2018  
VC148

## Application

In relation to any land identified in the schedule to this clause, the provisions of the planning scheme which would have applied to that land if it had not been reserved for a public purpose are the provisions which are contained in the relevant incorporated document also identified in the schedule to this clause.

The incorporated document may contain some or all of the provisions which would have applied to the relevant land under this scheme if the land had not been reserved for a public purpose.

The incorporated document may also contain a statement or explanation of the strategic basis for those provisions. Alternatively, the incorporated document may make reference to a separate document not forming part of the incorporated document which contains a statement or explanation of the strategic basis for those provisions.

MORNINGTON PENINSULA PLANNING SCHEME

05/08/2020  
VC176

SCHEDULE TO CLAUSE 53.15 STATEMENT OF UNDERLYING PROVISIONS

1.0  
05/08/2020  
VC176

Incorporated statement

Land	Incorporated Document
None specified	None specified

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.16

11/04/2019  
VC156

## PIG FARM

## Purpose

To facilitate the establishment and expansion of pig farms in a manner that is consistent with orderly and proper planning and the protection of the environment.

## 53.16-1

21/09/2018  
VC150

## Application

This clause applies to permit applications to use land or construct a building or constructor carry out works for a pig farm, including to increase the farm capacity of an existing pig farm.

## 53.16-2

04/05/2022  
VC210

## Exemption from notice and review

An application to use land or construct a building or constructor carry out works for a pig farm is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the following requirements are met:

- The number of pigs does not exceed 150 sows or 1,000 Standard Pig Units as calculated in Table 1.
- The outdoor stocking density does not exceed 12 Standard Pig Units per hectare as calculated in Table 1.
- A Nutrient Management Plan demonstrates pigs are kept outdoors on paddocks with:
  - A minimum of 50% ground cover; and
  - Mobile housing and feeding infrastructure that is relocated at least every three months.
- Any area used as a pig range, including associated buildings and works, is setback a minimum distance of:
  - 100 metres from a building used for a sensitive use (accommodation, a child care centre, an education centre or a hospital), and
  - 400 metres from land in a residential zone.

Table 1 Standard Pig Unit conversion factors

Pig Class	Mass Range (kg)	Age Range (weeks)	SPU Factor
Gilt	100 – 160	24 -30	1.8
Boar	100 – 300	24 – 128	1.6
Gestating sow	160 – 230	-	1.6
Lactating sow	160 – 230	-	2.5
Sucker	1.4 – 8	0 – 4	0.1
Weaner	8 – 25	4 – 10	0.5
Grower	24 – 55	10 – 16	1.0
Finisher	55 – 100	16 – 24	1.6

## MORNINGTON PENINSULA PLANNING SCHEME

Pig Class	Mass Range (kg)	Age Range (weeks)	SPU Factor
Heavy Finisher	100 – 130	24 -30	1.8

Note: Adapted from the National Environmental Guidelines for Piggeries 2010

## 53.16-3

21/09/2018  
VC150

## Decision guidelines

Before deciding on an application to use land or construct a building or for a constructor to carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or waterbodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plans submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines (June 2018).



## MORNINGTON PENINSULA PLANNING SCHEME

## 53.17

14/12/2023  
VC253

## RESIDENTIAL AGED CARE FACILITY

## Purpose

To facilitate the development of well-designed residential aged care facilities to meet existing and future needs.

To recognise that residential aged care facilities have a different scale and built form to the surrounding neighbourhood.

To ensure residential aged care facilities do not unreasonably impact on the amenity of adjoining dwellings or small second dwellings.

## 53.17-1

26/10/2018  
VC152

## Application

This clause applies to an application to construct a building or for a constructor to carry out works for a residential aged care facility in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

## 53.17-2

26/10/2018  
VC152

## Application requirements

An application must be accompanied by:

- A site and context description.
- A design response.
- A landscape plan.

## Site and context description

The site and context description may use a site plan, photographs or other techniques and must include:

- Site shape, size, orientation and easements.
- Level of the site and the difference in levels between the site and surrounding properties.
- The location of existing buildings on the site and on adjacent properties including the location and height of walls built to the boundary of the site.
- The use of adjacent buildings and land.
- The location of secluded private open space and habitable room windows of adjacent properties which have an outlook to the site within 9 metres.
- Solar access to the site and to adjacent properties.
- Any contaminated soils and filled areas where known.
- Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
- Street frontage features such as poles, street trees and kerb crossings.
- Any other notable features or characteristics of the site.

If in the opinion of the responsible authority a requirement of the site and context description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

## Design response

The design response must explain how the proposed design:

- Responds to the site and context description.
- Meets the requirements of this clause.

## MORNINGTON PENINSULA PLANNING SCHEME

## Landscape plan

The landscape plan must include:

- Landscaping of communal open space for the enjoyment of residents and staff.
- Landscaping along the boundaries of the site.
- On-site management of run-off from paved areas.
- Retaining significant trees where possible.

53.17-3

14/12/2023  
VC253

## Development requirements

## Operation

If there is any inconsistency between a requirement in this clause and a requirement in another provision of this planning scheme, this clause prevails.

## Building height

In the Neighbourhood Residential Zone, General Residential Zone and Township Zone the maximum building height must not exceed 16 metres.

In the Mixed Use Zone and Residential Growth Zone the maximum building height should not exceed 16 metres.

## Street setback

Walls of buildings should be setback from streets the distances specified in the table:

Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Transport Zone 2 and 4 metres for other streets.	Not applicable
The site is on a corner.	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.	Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting

## MORNINGTON PENINSULA PLANNING SCHEME

Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
	If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.	allotment facing the side street or 4 metres, whichever is the lesser.  Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.

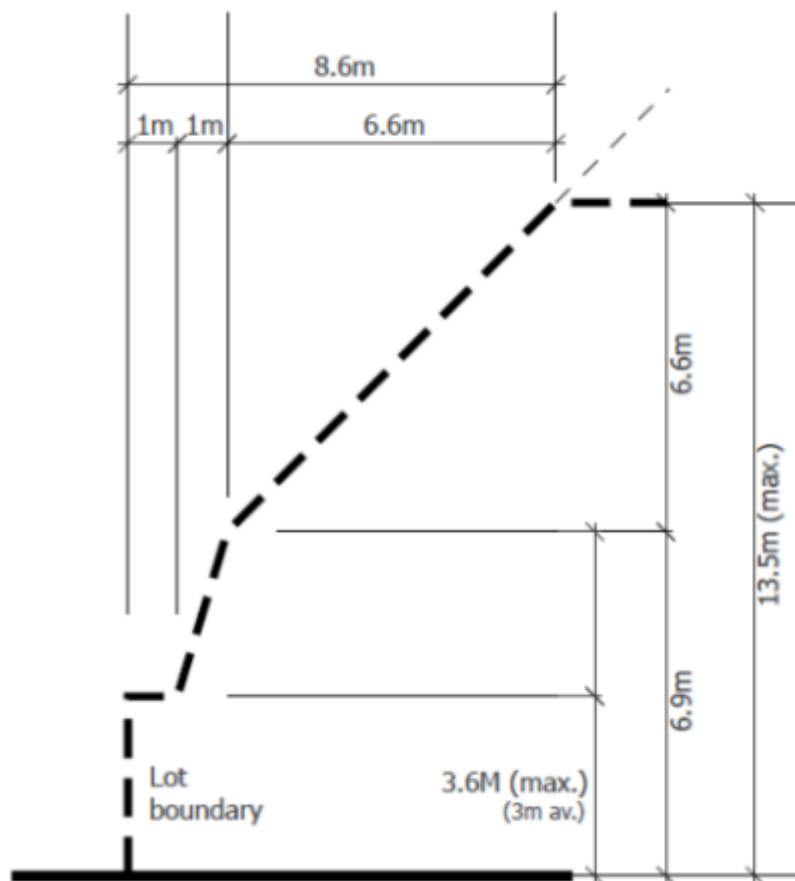
## Side and rear setbacks

A new building not on or within 200mm of a boundary should be setback from side or rear boundaries by 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Screens, sunblinds, veranda, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setback of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shades, sails and carports may encroach into the setback of this standard.

## MORNINGTON PENINSULA PLANNING SCHEME



## Walls on boundaries

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:

- 10 metres plus 25 percent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports;

whichever is the greater

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary

A building on a boundary includes a building setback up to 200mm from a boundary

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

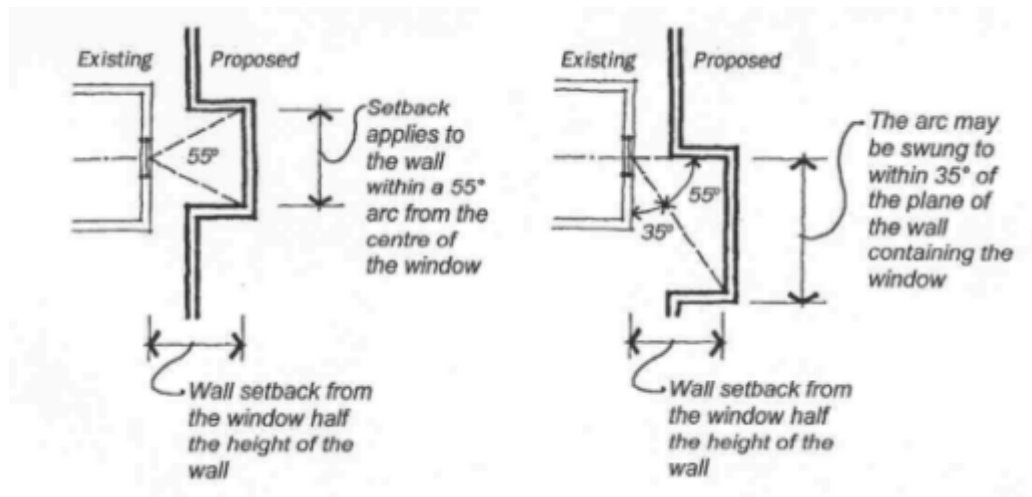
## Daylight to existing windows

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

## MORNINGTON PENINSULA PLANNING SCHEME

Walls or carports more than 3 metres in height opposite an existing habitable room window should be setback from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

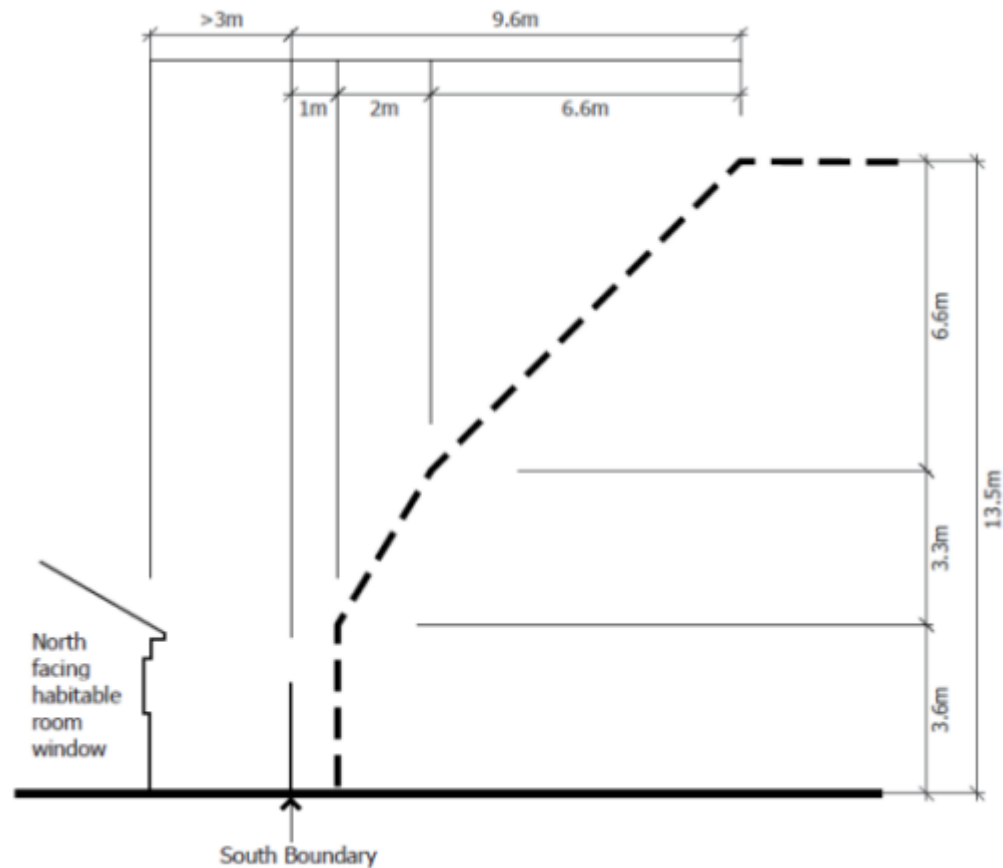
Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.



## North-facing windows

If a north-facing habitable room window of an existing dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

## MORNINGTON PENINSULA PLANNING SCHEME



## Overshadowing open space

Where sunlight to the secluded private open space of an existing dwelling or small second dwelling is reduced at least 75 percent, or 40 square metres with minimum dimension of 3 metres whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard the amount of sunlight should not be further reduced.

## Overshadowing solar energy systems

Buildings should be sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

## Overlooking

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

## MORNINGTON PENINSULA PLANNING SCHEME

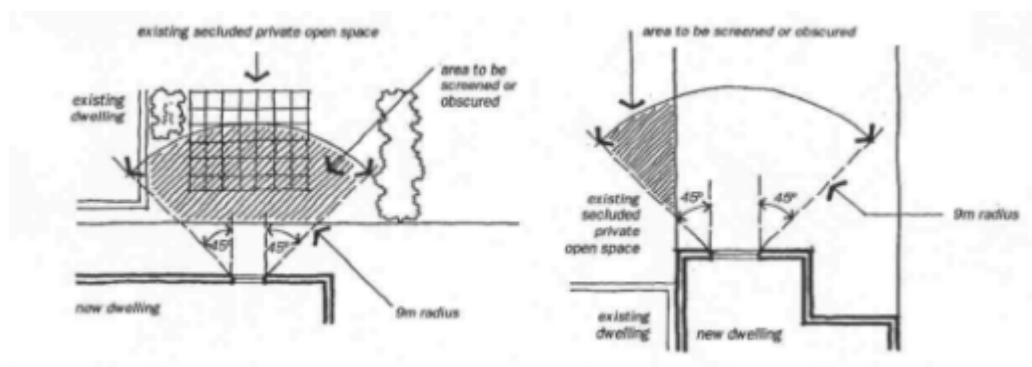
- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other
- Have sill heights of at least 1.2 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.2 metres above floor level.
- Have permanently fixed external screens to at least 1.2 metres above floor level and be no more than 25 percent transparent.

Obscure glazing in any part of the window below 1.2 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 percent openings or solid translucent panels.
- Permanent fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.



## Noise impacts

Noise sources such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.

## Daylight to new windows

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A veranda provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter

## Site coverage

The site area covered by buildings should not exceed 80 percent.

## Access

Accessways should be designed to:

- Provide direct access to on-site designated areas for car and bicycle parking.
- Provide direct access to the building for emergency vehicles.
- Provide access for service and delivery vehicles to on-site loading bays and storage areas.

## MORNINGTON PENINSULA PLANNING SCHEME

- Ensure vehicles can enter and exit a development in a forward direction.
- Provide a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction.
- The number and location of access points from streets to the site and the design of crossovers must be to the requirements of the relevant road authority.
- Shared access ways or car parks should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced by 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way.

## Building entry

The main pedestrian entry to a building should:

- Have convenient access from a street.
- Be sheltered from the weather.
- Have convenient access from on-site car parking.
- Have a designated vehicle standing area suitable for use by a community bus and a disabled parking area should be provided in an area that is convenient for the drop-off and pick-up of residents.

## Communal open space

Accessible and useable communal open spaces should be provided for residents and staff.

## Front fence

A front fence within 3 metres of a street should not exceed:

- 2 metres in height in streets in a Transport Zone 2; and
- 1.5 metres in height on all other streets.

53.17-4

14/12/2023  
VC253

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- How the proposed development responds to the site and context description.
- Where the requirements of this clause are not met, the impact on the amenity of the adjoining dwellings or small second dwellings.
- The proposed amenity for future residents of the residential aged care facility.
- The effect of overshadowing on an appropriately located existing rooftop solar energy system on an adjoining lot.



## MORNINGTON PENINSULA PLANNING SCHEME

## 53.18

26/10/2018  
VC154

## STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

## Purpose

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety and to provide cooling, local habitat and amenity benefits.

## 53.18-1

28/10/2022  
VC224

## Application

This clause applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works, other than the following applications:

- An application under a provision of the Farming Zone, Green Wedge Zone, Green Wedge A Zone, Low Density Residential Zone, Public Conservation and Resource Zone, Transport Zone 2, Transport Zone 3, Rural Activity Zone, Rural Conservation Zone, Rural Living Zone, Urban Floodway Zone or Urban Growth Zone (Part A – No precinct structure plan applies).
- A VicSmart application.
- An application to subdivide land in a residential zone for residential purposes.
- An application to construct or extend a dwelling, fence or residential building in a residential zone.
- An application for development associated with the use of land for agriculture or earth and energy resource industry.
- An application to construct a building or construct or carry out works associated with one dwelling on a lot.
- An application to alter, extend or make structural changes to an existing building provided the gross floor area of the building is not increased by more than 50 square metres.
- An application to construct a building with a gross floor area not exceeding 50 square metres.
- An application to construct or carry out works with an area not exceeding 50 square metres.
- An application to subdivide land into lots each containing an existing building or car parking space.
- An application to construct a building or to construct or carry out works on a lot if all of the following requirements are met:
  - The lot was created in accordance with a permit granted under this planning scheme.
  - The application for that permit was assessed against the requirements of this clause.
- An application for land affected by a development plan or incorporated plan that was approved or incorporated in this planning scheme before the approval date of Amendment VC154.
- An application lodged before the approval date of Amendment VC154.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC154.

## Transitional provisions

Clause 53.18 of this scheme as in force immediately before the approval date of Amendment VC224, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.18-2

26/10/2018  
VC154

## Operation

The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective.

A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative solution meets the objective, the alternative solution may be considered.

## 53.18-3

26/10/2018  
VC154

## Requirements

An application to subdivide land:

- Must meet all of the objectives of Clauses 53.18-4 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-4 and 53.18-6.

An application to construct a building or for a constructor to carry out works:

- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

## 53.18-4

03/02/2022  
VC199

## Stormwater management objectives for subdivision

To minimise damage to properties and inconvenience to the public from stormwater

To ensure that the street operates adequately during major storm events and provides for public safety

To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater

To encourage stormwater management that maximises the retention and reuse of stormwater

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

## Standard W1

The stormwater management systems should be:

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater- Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

## MORNINGTON PENINSULA PLANNING SCHEME

The stormwater management systems should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedance Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria  $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$  (where  $d_a$  = average depth in metres and  $V_{ave}$  = average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.

53.18-5

26/10/2018  
VC154

Stormwater management objectives for buildings and works

To encourage stormwater management that maximises the retention and reuse of stormwater

To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.

Standard W2

The stormwater management systems should be designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

## MORNINGTON PENINSULA PLANNING SCHEME

53.18-6

26/10/2018  
VC154

## Site management objectives

To protect drainage infrastructure and receiving waters from sedimentation and contamination.

To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.

## Standard W3

An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Erosion and sediment.
- Stormwater
- Litter, concrete and other construction wastes.
- Chemical contamination.

53.18-7

26/10/2018  
VC154

## Decision guidelines

Before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- Any relevant water and stormwater management objective, policy or statement set out in this planning scheme.
- The capacity of the site to incorporate stormwater retention and reuse and other water sensitive urban design features.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.19

03/12/2019  
VC165

## NON-GOVERNMENT SCHOOLS

## Purpose

To facilitate new non-government schools.

To facilitate upgrades and extensions to existing non-government schools.

## 53.19-1

04/12/2020  
VC180

## Application

This clause applies to an application under any provision of this scheme other than a VicSmart application, to use or develop land for a primary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land and/or contiguous land in the same ownership as, a primary school or secondary school.

## 53.19-2

04/12/2020  
VC180

## Exemption from review

An application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.

## 53.19-3

04/12/2020  
VC180

## Transitional provisions

Clause 53.19 of this scheme as in force immediately before the approval date of Amendment VC180, continues to apply to:

- An application for a planning permit made before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was made before that date.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.20

14/12/2023  
VC253

## HOUSING BY OR ON BEHALF OF HOMES VICTORIA

## Purpose

To facilitate the development of well-designed social housing and affordable housing to meet existing and future needs.

To increase the social housing and affordable housing stock in Victoria.

To ensure the development of housing by or on behalf of the Chief Executive Officer, Homes Victoria does not unreasonably impact on the amenity of adjoining dwellings or small second dwellings.

## 53.20-1

20/03/2023  
VC229

## Application

This clause applies to an application under a provision of a residential zone (other than the Low Density Residential Zone) to construct or extend a dwelling, or to construct or extend a front fence, if the application is made by or on behalf of the Chief Executive Officer, Homes Victoria.

In this clause, Chief Executive Officer, Homes Victoria means Chief Executive Officer, Homes Victoria as defined in the Housing Act 1983 and the body corporate established under the Housing Act 1983.

## 53.20-2

14/12/2023  
VC253

## Operation

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

An application to construct or extend a dwelling, or to construct or extend a front fence, should meet the standard in Clause 53.20-6.

An application to construct or extend an apartment development or to construct or extend a dwelling in or forming part of an apartment development should meet the standard in Clause 53.20-6 and Clause 53.20-7 except for the standard in:

- Clause 53.20-6.5.
- Clause 53.20-6.10 for an apartment development of 5 or more storeys.

The standards in Clause 53.20-6 and Clause 53.20-7 should normally be met. However, an alternative design solution may be considered if the responsible authority is satisfied that the proposal does not unreasonably impact on the amenity of an existing dwelling or small second dwelling on the site or on an adjacent site.

## 53.20-3

20/12/2021  
VC207

## Exemption from planning scheme provisions

The following provisions of this planning scheme do not apply:

- The Municipal Planning Strategy or Municipal Strategic Statement and the Planning Policy Framework.
- An application requirement or decision guideline of a zone.
- A requirement to meet Clauses 54, 55 and 58 of a zone.
- A schedule to a zone except for a specified building height requirement.
- Clauses 52.06 and 65.

## 53.20-4

20/12/2021  
VC207

## Exemption from notice and review

An application under any provision of this scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

53.20-5

20/03/2023  
VC229

## Application requirements

An application must be accompanied by the following information, as appropriate:

- Where the application is made on behalf of the Chief Executive Officer, Homes Victoria, a letter from Homes Victoria confirming that the application is made on behalf of the Chief Executive Officer, Homes Victoria.
- An urban context report. The urban context report may use a site plan, photograph or other techniques and must include an accurate description of:
  - Lot boundaries, site shape, size, orientation and easement on the subject site.
  - Levels and contours of the site and the difference in levels between the site and adjoining properties.
  - The location and height of existing buildings on the site and adjoining properties.
  - The use of adjoining buildings.
  - The location of secluded private open space of adjoining properties and the location of trees, fences and other landscape elements.
  - Solar access to the site and to adjoining properties.
  - Street frontage features such as poles, streetlights, street trees and kerb crossings.
  - The location of local shops, public transport services and public open spaces within walking distance.
  - Movement system through and around the site.
  - Any other notable feature or characteristic of the site.
  - An assessment of the characteristics of the area including:
    - . Any environmental features such as vegetation, topography and significant views.
    - . The pattern of subdivision.
    - . Street design and landscape.
    - . The pattern of development.
    - . Building form, scale and rhythm.
    - . Connection to the public realm.
    - . Architectural style, building details and materials.
    - . Significant off-site noise sources.
    - . For an apartment application, the relevant NatHERS climate zones.
    - . Social and economic activity.
    - . Any other notable or cultural characteristics of the area.
- A design response. The design response must explain how the proposed design:
  - Responds to any relevant planning provision.
  - Derives from and responds to the urban context report.
  - The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.20-6 Development standards

01/01/2024  
VC250

## 53.20-6.1 Infrastructure

Developments should be connected to reticulated services including reticulated sewerage, drainage and electricity.

Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

## 53.20-6.2 Street setback

Walls of buildings should be setback from streets at least the distances specified in Table 1. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setback of this standard.

Table 1 Street setback

Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of either existing building on the abutting allotments facing the front street or 7 metres, whichever is the lesser.	Not applicable.
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7 metres, whichever is the lesser.	Not applicable.
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Transport Zone 2 and 4 metres for other streets.	Not applicable.
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2, and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing</p>



## MORNINGTON PENINSULA PLANNING SCHEME

	Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
			building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.
53.20-6.3	<p>Site coverage</p> <p>The site area covered by buildings should not exceed 60 per cent.</p>		
53.20-6.4	<p>Permeability</p> <p>The site area covered by the pervious surfaces should be at least 20 per cent of the site.</p>		
53.20-6.5	<p>Energy efficiency</p> <p>Buildings should be:</p> <ul style="list-style-type: none"> <li>▪ Oriented to make appropriate use of solar energy.</li> <li>▪ Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced.</li> <li>▪ Sited and designed to ensure that the performance of existing roof top solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing roof top solar energy system must exist at the date the application is lodged.</li> </ul> <p>Living areas and private open spaces should be located on the north side of the development if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>		
53.20-6.6	<p>Safety</p> <p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of carparks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>		
53.20-6.7	<p>Access</p> <p>Vehicle crossovers should be minimised.</p> <p>Carparking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.</p> <p>Pedestrian and cyclist access should be clearly delineated from vehicle access.</p> <p>The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>		

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.20-6.8 Parking location

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared access way or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way.

## 53.20-6.9 Car parking

A minimum 0.6 car spaces should be provided to each dwelling. Car spaces may be covered or uncovered.

If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces to be rounded down to the nearest whole number greater than 1.

Accessway design

Accessways must:

- Be at least 3 metres wide.
- Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.
- Allow vehicles parked in the last space of a dead-end access way in public car park to exit in a forward direction with one manoeuvre.
- Provide at least 2.1 metres headroom beneath overhead obstructions calculated for a vehicle with a wheelbase of 2.8 metres.
- If the access way serves four or more car spaces or connects to a road in a Transport Zone 2 or a Transport Zone 3, the access way must be designed so that cars can exit the site in a forward direction.
- Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the access way serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or a Transport Zone 3.
- Have a corner play area at least 50 percent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas provided the landscaping in those areas is less than 900 mm in height.

Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

## MORNINGTON PENINSULA PLANNING SCHEME

Table 2: Minimum dimensions of car parking spaces and accessways

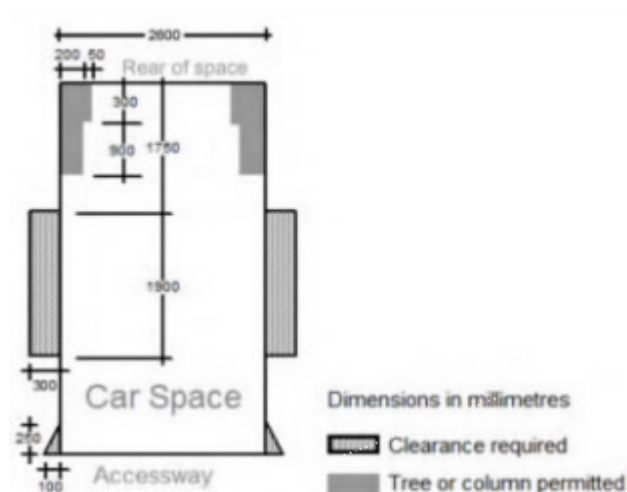
Angle of car parking spaces to access way	Accessway width	Car space width	Car space length
Parallel	3.6 m	2.3 m	6.7 m
45°	3.5 m	2.6 m	4.9 m
60°	4.9 m	2.6 m	4.9 m
90°	6.4 m	2.6 m	4.9 m
	5.8 m	2.8 m	4.9 m
	5.2 m	3.0 m	4.9 m
	4.8 m	3.2 m	4.9 m

Note: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance' required on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

Diagram 1 Clearance to car parking spaces



Carspaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Where parking spaces are provided in tandem (one space behind the other) an additional 500mm in length must be provided between each space.

Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.

## MORNINGTON PENINSULA PLANNING SCHEME

## Gradients

Accessway grades must not be steeper than 1:10 (10 percent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the carpark; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicle travelling in a forward direction.

Table 3: Ramp gradients

Type of car park	Length of ramp	Maximum grade
Public car parks	20 metres or less	1:5 (20%)
	longer than 20 metres	1:6 (16.7%)
Private or residential car parks	20 metres or less	1:4 (25%)
	longer than 20 metres	1:5 (20%)

Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change or greater than 1:6.7 (15 percent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.

Plans must include an assessment of grade changes of greater than 1:5.6 (18 percent) or less than 3 metres apart for clearances to the satisfaction of the responsible authority.

## Mechanical parking

Mechanical parking may be used to meet the carparking requirements provided:

- At least 25 percent of the mechanical carparking spaces can accommodate a vehicle height of at least 1.8 metres.
- Carparking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
- The design and operation is to the satisfaction of the responsible authority.

## Urban design

Ground level carparking, garaged doors and accessways must not visually dominate public space.

Carparking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible including through the use of occupied tenancies and landscaping, architectural treatments and art works.

Design of car parks must take into account their use as entry points to the site.

Design of new internal streets in developments must maximise on street parking opportunities.

## Safety

Carparking must be well lit and clearly signed.

The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

## MORNINGTON PENINSULA PLANNING SCHEME

Pedestrian access to carparking areas from the street must be convenient.

Pedestrian routes through carparking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.

#### Landscaping

The layout of carparking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level carparking and aid in the clear identification of pedestrian paths.

Ground level carparking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

#### 53.20-6.10 Side and rear setbacks

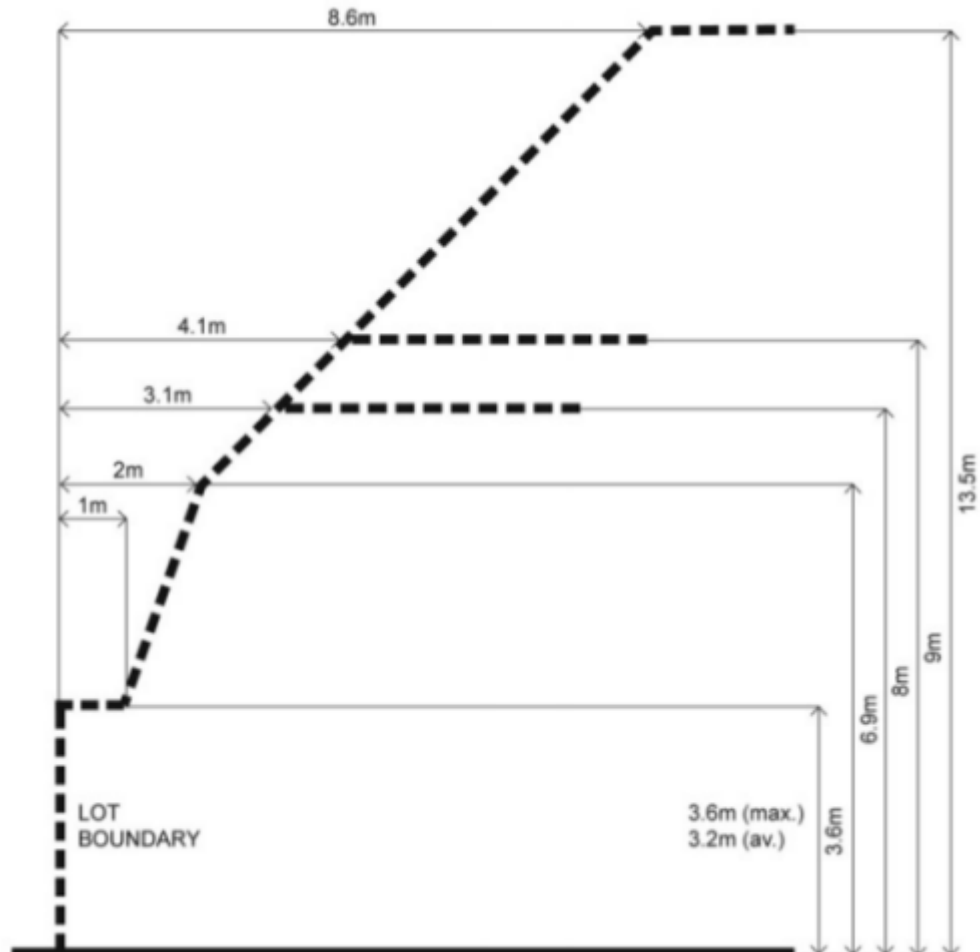
A new building not on or within 200mm of a boundary to a residential zone should be setback from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres plus 1 metre for every metre of height over 6.9 metres. Diagram 2 details the standard.

Sunblinds, veranda, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

## MORNINGTON PENINSULA PLANNING SCHEME

Diagram 2 Side and rear setbacks



## 53.20-6.11 Walls on boundaries

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:

- 10 metres plus 25 percent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary

A building on a boundary includes a building setback up to 200mm from a boundary

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

## MORNINGTON PENINSULA PLANNING SCHEME

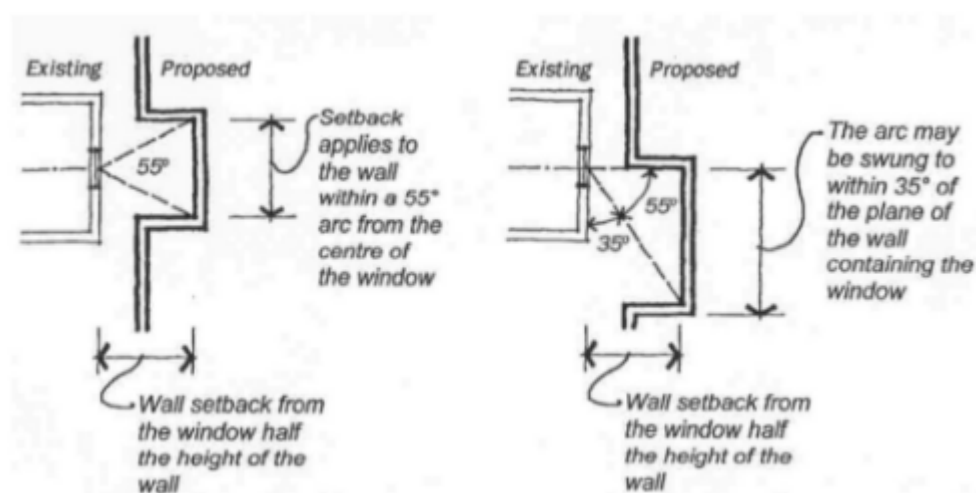
## 53.20-6.12 Daylight to existing windows

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be setback from the window at least 50 percent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram 3 Daylight to existing windows

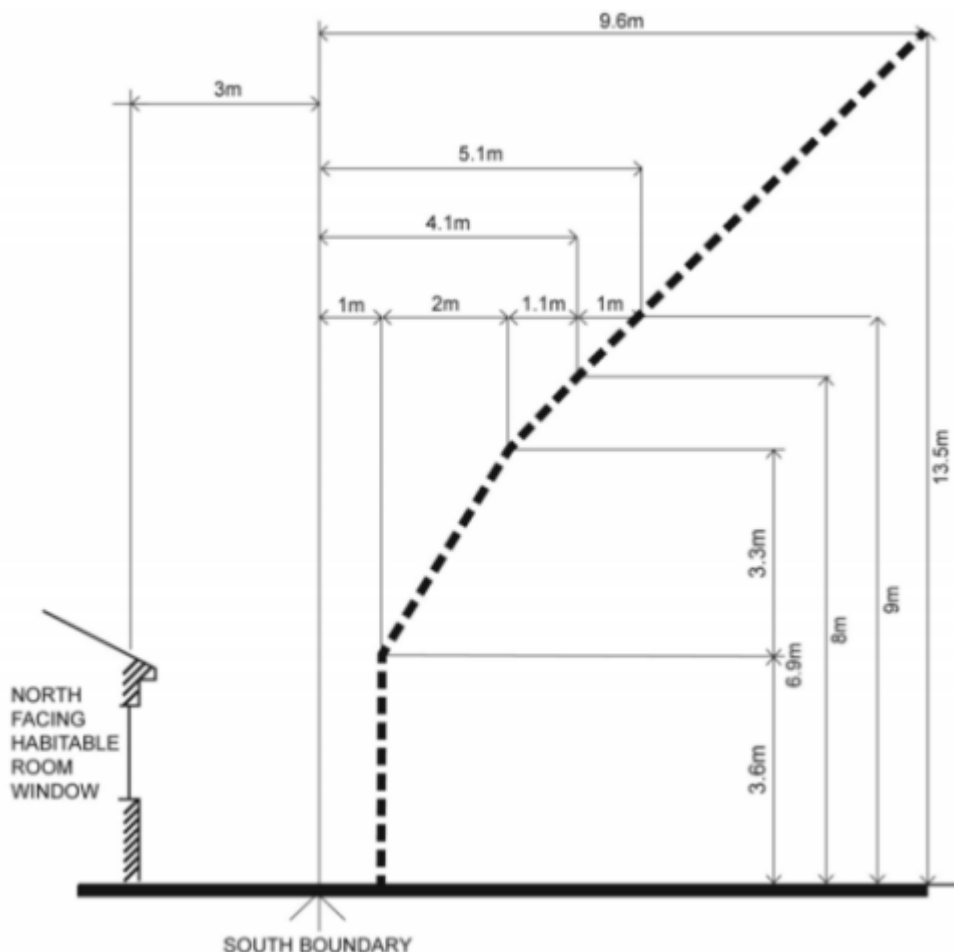


## 53.20-6.13 North-facing windows

If a north-facing habitable room window of an existing dwelling or a small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

## MORNINGTON PENINSULA PLANNING SCHEME

Diagram 4 North-facing windows



## 53.20-6.14 Overshadowing open space

Where sunlight to the secluded private open space of an existing dwelling or small second dwelling is reduced at least 75 percent, or 40 square metres with minimum dimension of 3 metres whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard the amount of sunlight should not be further reduced.

## 53.20-6.15 Overlooking

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:



## MORNINGTON PENINSULA PLANNING SCHEME

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metres above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 percent transparent.

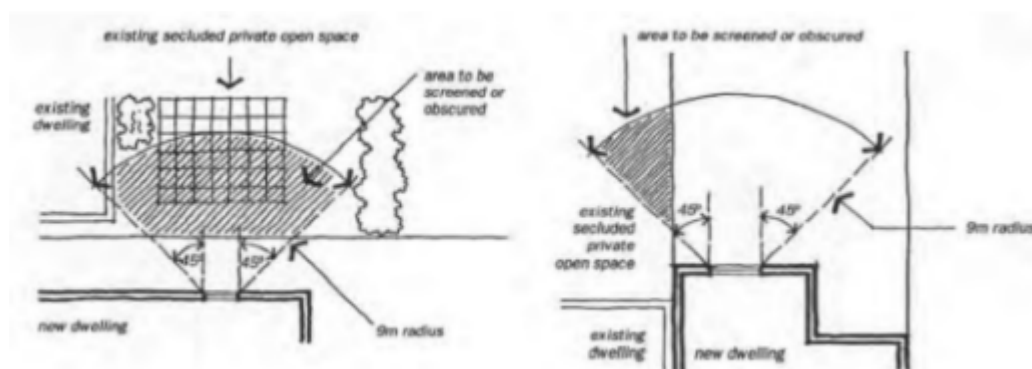
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 percent openings or solid translucent panels.
- Permanent fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony terrace, deck or patio is less than 0.8 metres above ground level at the boundary

Diagram 5 Overlooking open space



#### 53.20-6.16 Noise impacts

Noise sources such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

#### 53.20-6.17 Daylight to new windows

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A veranda provided it is open for at least one third of its perimeter or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.20-6.18 Private open space

A dwelling (other than an apartment) should have private open space consisting of:

- An area of secluded private open space with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

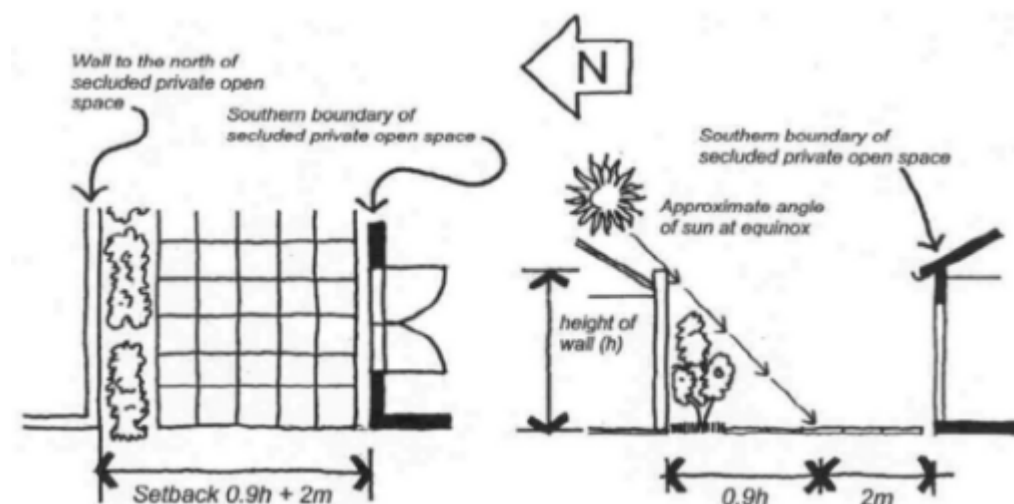
Secluded private open space may be located in the front setback if it is no more than 30% of the street frontage.

## 53.20-6.19 Solar access to open space

The private open space should be located on the north side of the dwelling if appropriate.

The southern boundary of secluded private open space should be setback from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.

Diagram 6 Solar access to open space



## 53.20-6.20 Storage

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

## 53.20-6.21 Front fence

A front fence within 3 metres of a street should not exceed a maximum height of:

- 2 metres for streets in a Transport Zone 2.
- 1.5 metres in other streets or where secluded private open space is proposed within the front setback the front fence may reach a height of up to 1.8 metres for not more than 30% of the length of the boundary

## MORNINGTON PENINSULA PLANNING SCHEME

53.20-6.22 Common property

Developmentsshould clearly delineatepublic, communal and private areas.

Commonproperty, whereprovided, shouldbefunctional and capableof efficientmanagement.

53.20-6.23 Site services

Developmentsshould provide space(including easementswhere required)for site servicesto be installed and maintained efficiently and economically.

Meters and utility servicesshould be designedas an integrated componentof the building or landscape.

Bin and recyclingenclosures, mailboxesand other site facilities should be adequatein size, durable, waterproof and blend in with the development.

Mailboxes and other site facilities should be adequatein size, durable, weather-protected, locatedfor convenientaccessand integrated into the overall designof the development.

53.20-7 Development standards for apartments

14/12/2023  
VC253

53.20-7.1 Energy efficiency

Buildings shouldbe:

- Orientedto makeappropriateuseof solarenergy.
- Sitedanddesignedto ensurethatthe energy efficiencyof existingdwellingsor smallsecond dwellingson adjoininglots is not unreasonablyreduced.
- Sitedanddesignedto ensurethatthe performanceof existingrooftop solarenergy systemson dwellingsor smallseconddwellingson adjoininglots in a GeneralResidentialZone, NeighbourhoodResidentialZoneor TownshipZoneare not unreasonablyreduced.The existing rooftop solarenergy systemmustexist at the datethe applicationis lodged.

Living areasandprivateopenspacesshouldbelocatedon the north sideof the developmentif practicable.

Developmentsshouldbedesignedso thatsolaraccess to north-facingwindowsis optimised.

Dwellingslocatedn a climatezoneidentifiedin Table4 shouldnotexceedhemaximumNatHERS annualcoolingload.

Table 4 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21

## MORNINGTON PENINSULA PLANNING SCHEME

NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

## 53.20-7.2 Communal open space

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and consist of multiple separate areas of communal open space.

Each area of communal open space should be:

- Accessible to all residents.
- A useable size, shape and dimension.
- Capable of efficient management.
- Located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings or small second dwellings.
- Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

## 53.20-7.3 Solar access to communal outdoor open space

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 percent or 125 square metres, whichever is the lesser of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

## 53.20-7.4 Landscaping

Developments should retain existing trees and canopy cover.

Developments should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Developments should:

- Provide the canopy cover and deep soil area as specified in Table 5. Existing trees can be used to meet the canopy cover requirements of Table 5.
- Provide canopy cover through canopy trees that are:

## MORNINGTON PENINSULA PLANNING SCHEME

- Located in an area of deep soil specified in Table 6. Where deep soil cannot be provided trees should be provided in planters specified in Table 6.
- Consistent with the canopy diameter and height at maturity specified in Table 7.
- Located in communal outdoor open space or common areas or street frontages.
- Comprise smaller trees, shrubs and groundcover including flowering native species.
- Include landscaping such as climbing plants or smaller plants in planters in the street frontage and in outdoor areas including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface material that lower surface temperature and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table 5 Canopy cover and deep soil requirements

Site area	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 – 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2501 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table 6 Soil requirements for trees

Tree type	Tree in deep soil	Tree in planter
	Area of deep soil	Volume of planter soil Depth of planter soil

## MORNINGTON PENINSULA PLANNING SCHEME

Tree type	Tree in deep soil	Tree in planter	
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension of 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metres

Note: Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%

Table 7 Tree types

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

## 53.20-7.5 Integrated water and stormwater management

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management systems should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

## 53.20-7.6 Building setback

The built form of the development should respect the existing urban context and respond to the features of the site.

Buildings should be setback from side and rear boundaries and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings or small secondary dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.20-7.7 Noise impacts

Noise sources such as mechanical plants should not be located near bedrooms or immediately adjacent existing dwellings or small second dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas, and other dwellings or small second dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area as specified in Table 8 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas assessed as an LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table 8 Noise influence area

Noise Source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

## 53.20-7.8 Accessibility

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.

## MORNINGTON PENINSULA PLANNING SCHEME

- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table 9.

Table 9 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower
Door design	Either: <ul style="list-style-type: none"> <li>▪ A slide door, or</li> <li>▪ A door that opens outwards, or</li> <li>▪ A door that opens inwards that is clear of the circulation area and has readily removable hinges.</li> </ul>	Either: <ul style="list-style-type: none"> <li>▪ A slide door, or</li> <li>▪ A door that opens outwards, or</li> <li>▪ A door that opens inwards and has readily removable hinges.</li> </ul>
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> <li>▪ A minimum area of 1.2 metres by 1.2 metres.</li> <li>▪ Located in front of the shower and the toilet.</li> <li>▪ Clear of the toilet, basin and the door swing.</li> </ul> The circulation area for the toilet and shower can overlap.	A clear circulation area that is: <ul style="list-style-type: none"> <li>▪ A minimum width of 1 metre.</li> <li>▪ The full length of the bathroom and a minimum length of 2.7 metres.</li> <li>▪ Clear of the toilet and basin.</li> </ul> The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

## 53.20-7.9 Building entry and circulation

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.



# MORNINGTON PENINSULA PLANNING SCHEME

- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sightlines.

## 53.20-7.10 Private open space

A dwelling should have private open space consisting of at least one of the following:

- An area at ground level of 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room.
- A balcony with at least the area and dimensions specified in Table 10 and convenient access from a living room.
- An area on a roof of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony the minimum balcony area specified in Table 10 should be increased by at least 1.5 square metres.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table 10 do not apply if at least the area specified in Table 11 is provided as living area or bedroom area in addition to the minimum area specified in Table 13 or Table 14.

Table 10 Balcony size

Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

Table 11 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom dwelling	8 square metres
2 bedroom dwelling	8 square metres
3 or more bedroom dwelling	12 square metres

## 53.20-7.11 Storage

Each dwelling should have convenient access to usable and secure storage space.

## MORNINGTON PENINSULA PLANNING SCHEME

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table 9.

Table 12 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

## 53.20-7.12 Waste and recycling

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

## 53.20-7.13 Functional layout

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table 13.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

## MORNINGTON PENINSULA PLANNING SCHEME

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimension and area as specified in Table 14.

Table 13 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth	Minimum area
Main bedroom	3 metres	3.4 metres	10.2 sqm
All other bedrooms	3 metres	3 metres	9 sqm

Table 14 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

## 53.20-7.14 Room depth

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

## 53.20-7.15 Windows

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

## 53.20-7.16 Natural ventilation

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 percent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

## MORNINGTON PENINSULA PLANNING SCHEME

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

## 53.20-7.17 Integration with the street

Developments should be oriented to front existing and proposed streets.

Along street frontages, developments should:

- Incorporate pedestrian entries, windows, balconies or other active spaces.
- Limit blank walls.
- Limit high front fencing, unless consistent with the existing urban context.
- Provide low and visually permeable front fences, where proposed.
- Conceal car parking and internal waste collection areas from the street.

Development next to existing public open spaces should be designed to complement the open space and facilitate passive surveillance.

## 53.20-7.18 External walls and materials

External walls should be finished with material that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall designs should facilitate safe and convenient access for maintenance.

## 53.20-7.19 Wind impacts

Developments should:

- not cause unsafe wind conditions specified in Table 15 in public land, publicly accessible areas on private land, private open space and communal open space and
- achieve comfortable wind conditions specified in Table 15 in public land and publicly accessible areas on private land

within a distance of half the greatest length of the building, or half the total height of the building measured outward on the horizontal plane from the ground floor building façade, whichever is greater

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements such as awnings and screens should be located within the site boundary unless consistent with the existing urban context or preferred future development of the area.

Table 15: Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than:

## MORNINGTON PENINSULA PLANNING SCHEME

Unsafe	Comfortable
	<ul style="list-style-type: none"> <li>▪ 3 metres per second for sitting areas.</li> <li>▪ 4 metres per second for standing areas.</li> <li>▪ 5 metres per second for walking areas.</li> </ul>

## 53.20-9

20/03/2023  
VC229

## Transitional provision

The development standard for apartments at clause 53.20-6 and clause 53.20-7 introduced by Amendment VC207, do not apply to an application to construct or extend a dwelling, or to construct or extend a front fence if:

- Funded wholly or partly, under Victoria's Big Housing Build program;
- The application is made by or on behalf of the Chief Executive Officer, Homes Victoria; and
- The written confirmation from Homes Victoria or the Chief Executive Officer, Homes Victoria that the application is funded, either wholly or partly, under Victoria's Big Housing Build program has been signed before 30 June 2022.

## 53.20-10

14/12/2023  
VC253

## Decision guidelines

Before deciding on an application, the responsible authority must consider as appropriate:

- How the proposed development responds to the site and context description.
- Where a development standard of this clause is not met, the impact on the amenity of the adjoining dwellings or small second dwellings of varying the standard.
- The effect of overshadowing on an appropriately located existing rooftop solar energy system on an adjoining lot.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.21

17/02/2022  
VC200

## STATE TRANSPORT PROJECTS

## Purpose

To facilitate the delivery of transport projects carried out by or on behalf of the State of Victoria.

## 53.21-1

20/03/2023  
VC229

## Application

This clause applies to an application under any provision of this planning scheme other than a VicSmart application or an application to subdivide land, made by or on behalf of the Head, Transport for Victoria or the Secretary to the Department of Transport and Planning.

## 53.21-2

17/02/2022  
VC200

## Exemption from review

An application to which clause 53.21 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

53.22

20/09/2023  
VC242

## SIGNIFICANT ECONOMIC DEVELOPMENT

## Purpose

To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.

To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.

53.22-1

04/04/2024  
VC261

## Application

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

This clause applies to an application under any provision of this planning scheme if the condition corresponding to a category in Table 1 is met.

This clause does not apply to an application to subdivide land, other than an application to subdivide land that includes either:

- A renewable energy facility; or
- A utility installation used to:
  - Transmitter distribute electricity; or
  - Store electricity if the installed capacity is 1 megawatt or greater

Table 1

Category	Condition
Category 1	<p>The use must be specified in Table 2 and the condition corresponding to that use must be met. If the application includes more than one use in Table 2, only one use must meet the corresponding condition.</p> <p>Must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal. This condition does not apply to an application for the use or development of land for a renewable energy facility or utility installation.</p>
Category 2	<p>The use must be specified in Table 2.</p> <p>The use or development will be:</p> <ul style="list-style-type: none"> <li>▪ carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or</li> <li>▪ funded, or partly funded, by the State of Victoria or a public authority; or</li> <li>▪ carried out on Crown land.</li> </ul>
Category 3	<p>The use must be specified in Table 2.</p> <p>The responsible authority has advised in writing that the use or development of land is of significance having regard to:</p>

## MORNINGTON PENINSULA PLANNING SCHEME

Category	Condition
	<ul style="list-style-type: none"> <li>▪ The purpose of clause 53.22.</li> <li>▪ The estimated cost of development.</li> <li>▪ The written advice of the Chief Executive Officer, Invest Victoria.</li> </ul>

Table 2

Use	Condition
Camping and caravan park	The estimated cost of the development must be at least: <ul style="list-style-type: none"> <li>▪ \$10 million if any part of the land is in metropolitan Melbourne; or</li> <li>▪ \$5 million if any part of the land is not in metropolitan Melbourne.</li> </ul>
Group accommodation	
Food and drink premises (other than bar, convenience restaurant and take away food premises)	
Leisure and recreation	
Place of assembly	
Recreational boat facility	
Residential hotel	
Winery	
Agriculture	The estimated cost of development must be at least: <ul style="list-style-type: none"> <li>▪ \$20 million if any part of the land is in metropolitan Melbourne; or</li> <li>▪ \$10 million if the land is not in metropolitan Melbourne.</li> </ul>
Data centre	
Industry	
Research centre	
Hospital	The estimated cost of development must be at least: <ul style="list-style-type: none"> <li>▪ \$30 million if any part of the land is in metropolitan Melbourne; or</li> <li>▪ \$10 million if the land is not in metropolitan Melbourne.</li> </ul>
Medical centre	
Warehouse	
Tertiary institution	The estimated cost of the development must be at least: <ul style="list-style-type: none"> <li>▪ \$30 million if any part of the land is in metropolitan Melbourne; or</li> <li>▪ \$20 million if the land is not in metropolitan Melbourne.</li> </ul>
Retail premises (other than food and drink premises)	The estimated cost of development must be at least: <ul style="list-style-type: none"> <li>▪ \$100 million if any part of the land is in metropolitan Melbourne; or</li> <li>▪ \$20 million if the land is not in metropolitan Melbourne.</li> </ul>



## MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Earth and energy resources (other than extractive industry , mining, mineral exploration, petroleum exploration, petroleum production and stone exploration)	The estimated cost of development must be at least \$30 million.
Extractive industry	The estimated value of the resource to be extracted must be at least \$30 million.
Mining and mineral exploration	The estimated cost of development must be at least \$10 million.
Office	Must meet one of the following: <ul style="list-style-type: none"> <li>▪ The combined gross floor area of all buildings associated with the proposed use or development must be at least 10,000 square metres if any part of the land is in metropolitan Melbourne; or</li> <li>▪ The combined gross floor area of all buildings associated with the proposed use or development must be at least 5,000 square metres if the land is not in metropolitan Melbourne.</li> </ul>
Renewable energy facility	An installed capacity of 1 megawatt or greater must be proposed.
Utility installation (other than data centre)	A utility installation used to: <ul style="list-style-type: none"> <li>▪ Transmit or distribute electricity; or</li> <li>▪ Store electricity if the installed capacity is 1 megawatt or greater</li> </ul> must be proposed.

## 53.22-2

20/09/2023  
VC242

## Planning scheme requirements

The responsible authority may waive or vary any building height or setback requirement.

An application is exempt from an application requirement in this planning scheme if, in the opinion of the responsible authority, the information is not relevant to the assessment of the application.

## 53.22-3

20/09/2023  
VC242

## Application requirements

In addition to the application requirements elsewhere in the planning scheme, an application must be accompanied by the following information, as appropriate:

- A quantity surveyor report prepared by a suitably qualified person specifying the estimated cost of the development. For a development that includes more than one use, the report should specify the estimated cost of development for each use.
- Written advice of the Chief Executive Officer, Invest Victoria.

## 53.22-4

20/09/2023  
VC242

## Exemption from review

An application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

53.22-5

20/09/2023  
VC242

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines elsewhere in this planning scheme including in clause 65, the responsible authority must consider, as appropriate:

- The purpose of the clause.
- The views of the Office of the Victorian Government Architect.

53.22-6

20/09/2023  
VC242

## Transitional provision

Clause 53.22 does not apply to:

- An application for a permit lodged before the approval date of Amendment VC242.
- An application for an amendment of a permit under section 72 of the Act if the original permit application was lodged before the approval date of Amendment VC242.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.23

20/09/2023  
VC242

## SIGNIFICANT RESIDENTIAL DEVELOPMENT WITH AFFORDABLE HOUSING

## Purpose

To facilitate residential development that includes affordable housing to meet existing and future needs.

To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.

To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector including via innovative funding, investment and partnership approaches.

To facilitate residential development with high quality urban design, architecture and landscape architecture.

To provide opportunities for non-residential use and development in association with residential development.

## 53.23-1

20/09/2023  
VC242

## Application

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

This clause applies to an application under any provision of this planning scheme if all of the following are met:

- The application includes the use or development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel); and
- The condition corresponding to a category in Table 1 is met.

This clause does not apply to an application to subdivide land.

Table 1

Category	Condition
Category 1	<p>The estimated cost of the development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) as specified in the quantity surveyor report required under clause 53.23-3 must be at least:</p> <ul style="list-style-type: none"> <li>▪ \$50 million if any part of the land is in metropolitan Melbourne; or</li> <li>▪ \$15 million if the land is not in metropolitan Melbourne.</li> </ul> <p>At least 10% of the total number of dwellings in the development must be affordable housing, or alternatively this condition may be met via an alternative mechanism for the provision of affordable housing specified in the agreement under section 173 of the Act referred to in clause 53.23-4.</p> <p>Must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal.</p>
Category 2	<p>The use or development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) will be:</p>

## MORNINGTON PENINSULA PLANNING SCHEME

Category	Condition
	<ul style="list-style-type: none"> <li>carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or</li> <li>funded, or partly funded, by the State of Victoria or a public authority; or</li> <li>carried out on Crown land.</li> </ul> <p>At least 10% of the total number of dwellings in the development must be affordable housing, or alternatively this condition may be met via an alternative mechanism for the provision of affordable housing specified in the agreement under section 173 of the Act referred to in clause 53.23-4.</p>
Category 3	<p>The responsible authority has advised in writing that the use or development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) is of significance having regard to:</p> <ul style="list-style-type: none"> <li>The purpose of clause 53.23.</li> <li>The percentage of the total number of dwellings in the development that are proposed to be affordable housing and whether an alternative mechanism will be used for the delivery of affordable housing.</li> <li>The estimated cost of development.</li> <li>The location of the development and whether it has convenient access to jobs, services, infrastructure and community facilities.</li> <li>Whether the design, liveability and sustainability of the development is exemplary.</li> <li>Whether the development will be owned and operated by a community housing provider.</li> </ul> <p>Must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal.</p>

The responsible authority may decide to reduce the percentage of the total number of dwellings in the development that must be affordable housing, or not require an agreement to be entered into under Section 173 of the Act.

53.23-2  
20/09/2023  
VC242

#### Planning scheme requirements

The responsible authority may waive or vary any of the following:

- A minimum garden area requirement.
- Any building height or setback requirement.
- A condition opposite a use in Section 2 in a zone or a schedule to a zone.

An application is exempt from an application requirement in this planning scheme if, in the opinion of the responsible authority, the requirements are not relevant to the assessment of the application.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.23-3

20/09/2023  
VC242

## Application requirements

In addition to the application requirements elsewhere in the planning scheme an application must be accompanied by the following information, as appropriate:

- A quantity survey or report prepared by a suitably qualified person specifying the estimated cost of the development. For a development that includes more than one use, the report should specify the estimated cost of development for each use.
- A report that demonstrates how the proposal will contribute to the provision of affordable housing to meet existing and future needs.
- For a non-residential use or development the purpose of the use and the types of activities which will be carried out.
- Written advice of the Chief Executive Officer, Invest Victoria.

## 53.23-4

20/09/2023  
VC242

## Requirement before the grant of a permit

Unless specified in clause 53.23-1, a permit must not be granted unless the owner of the land has entered into an agreement with the responsible authority under section 173 of the Act for the provision of affordable housing.

The agreement will not come into operation unless a permit is issued for the proposed use or development.

The agreement must be recorded on the Register

## 53.23-5

20/09/2023  
VC242

## Exemption from review

An application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

## 53.23-6

20/09/2023  
VC242

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines elsewhere in this planning scheme including in clause 65, the responsible authority must consider, as appropriate:

- The purpose of the clause.
- The views of the Office of the Victorian Government Architect.

## 53.23-7

20/09/2023  
VC242

## Transitional provision

Clause 53.23 does not apply to:

- An application for a permit lodged before the approval date of Amendment VC242.
- An application for an amendment of a permit under section 72 of the Act if the original permit application was lodged before the approval date of Amendment VC242.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.24

22/09/2023  
VC243

## FUTURE HOMES

## Purpose

To facilitate apartment developments that incorporate exemplar designs approved under the Future Homes project.

To facilitate apartment developments that increase the density and diversity of housing to respond to Victoria's population growth.

To facilitate apartment developments that are exemplary in their design, liveability and sustainability

## 53.24-1

03/12/2024  
VC269

## Application

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

This clause applies to an application under clause 32.08-7 of the General Residential Zone to construct two or more dwellings on a lot, or to construct a front fence in association with the construction of two or more dwellings on a lot, if all of the following requirements are met:

- The development must be an apartment development.
- The design of the apartment development must use a licenced exemplar design approved under the Future Homes project overseen by the Department of Transport and Planning.
- Any part of the land:
  - Must be within 800 metres of a passenger railway station; or
  - Must be within 800 metres of a metropolitan, major or neighbourhood activity centre in Metropolitan Melbourne; or
  - Must be within 800 metres of an activity centre outside Metropolitan Melbourne; and
  - Must not be within a Heritage Overlay or Neighbourhood Character Overlay

For the purposes of this clause, the distance from an activity centre must be measured from:

- the boundary of the activity centre specified, shown, described or otherwise indicated in this planning scheme; or
- if the boundary of the activity centre is not specified, shown, described or otherwise indicated in this planning scheme, the boundary of any Activity Centre Zone, commercial zone or Mixed Use Zone.

For the purposes of this clause, the distance from a passenger railway station must be measured from the closest point to a station platform.

## 53.24-2

26/09/2023  
VC246

## Meaning of terms

An activity centre outside Metropolitan Melbourne means a:

- Central Activity District
- Central Business District
- City Centre
- Major Activity Centre
- Primary Activity Centre
- Principal Activity Centre
- Principal Centre
- Regional Activity Centre

## MORNINGTON PENINSULA PLANNING SCHEME

- Regional Centre
- Regional Retail Centre

## 53.24-3

03/12/2024  
VC269

## Pre-application referral requirements

If an application under clause 32.08-7 is required to be referred in accordance with section 55 of the Act to a referral authority specified in clause 66, the following requirements must be met:

- The development for which the application is made must have been considered by the referral authority within the past 3 months of the application being made to the responsible authority.
- The referral authority must have stated in writing that it does not object to the granting of the permit for the development.

If the proposed development requires a permit under a provision of this planning scheme other than clause 32.08-7 of the General Residential Zone and an application for that permit is required to be referred in accordance with section 55 of the Act to a referral authority specified in clause 66, the following requirements must be met:

- The development for which the application is made must have been considered by the referral authority within the past 3 months of the application being made to the responsible authority.
- The referral authority must have stated in writing that it does not object to the granting of the permit for the development.

## 53.24-4

03/12/2024  
VC269

## Application requirements

An application must be accompanied by:

- A neighbourhood and site description.
- A design response.
- A landscape plan.

## Neighbourhood and site description

The neighbourhood and site description may use a site plan, photographs or other techniques and must include:

- Site shape, size, orientation, levels and easements.
- The location of existing buildings on the site and on surrounding properties including the location and height of walls built to the boundary of the site.
- The use of surrounding buildings.
- The location of private open space and habitable room windows of surrounding properties that have an outlook to the site.
- Solar access to the site and adjoining properties.
- Views to and from the site.
- Street frontage features such as poles, street trees and kerb crossings.
- The pattern of development of the neighbourhood including the average street setback for the development site (approximately 150 metres either side).
- The location of local shops, public transport services and public open spaces within walking distance.
- Movement systems through and around the site.
- Any other notable features or characteristics of the site and area.

## MORNINGTON PENINSULA PLANNING SCHEME

## Design response

The design response must address the development standards of clause 53.24 and the principles, objectives, requirements and targets of the Building future homes adaptation guide (Department of Transport and Planning, 2023).

## Landscape plan

The landscape plan must include:

- The location of significant trees existing on and adjacent to the site and any significant trees removed from the site 12 months prior to the application being made.
- The location and details of proposed vegetation including canopy trees on the site.
- A planting schedule that demonstrates compliance with the deep soil and canopy cover requirements.
- Details of the soil type, drainage patterns and irrigation system of the site.

53.24-5  
03/12/2024  
VC269

## Exemption from planning scheme requirements

The requirements of clauses 45.09, 52.06 and 52.34 of the planning scheme do not apply to a development under this clause.

An application is exempt from any application requirement in the General Residential Zone or any application requirements specified in a schedule to the General Residential Zone.

An application is exempt from and is not required to meet the requirements of clauses 55 and 58.

## Matters to be considered

In deciding an application, the responsible authority must not consider and is exempt from considering:

- The Municipal Planning Strategy and Planning Policy Framework.
- The purpose of the General Residential Zone.
- Any decision guideline in the General Residential Zone or a schedule to the General Residential Zone.
- The decision guidelines in clause 65.

53.24-6  
03/12/2024  
VC269

## Exemption from review

An application under clause 32.08-7 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

53.24-7  
03/12/2024  
VC269

## Development standards

A development must meet all of the following development standards.

53.24-7.1

## Car parking

Car parking spaces must be provided at:

- a rate of at least 0.6 spaces per dwelling; rounded down to the closest whole number or
- if the land is in a Parking Overlay and the overlay specifies a lower car parking rate for a dwelling, the applicable rate in the overlay



## MORNINGTON PENINSULA PLANNING SCHEME

Mechanical parking may be used to meet the car parking requirement provided the dimensions of the mechanical parking system meets the standard for a B99 vehicle in Australian Standard AS/NZS 2890.1:2004 Parking facilities - Off-street car parking (Standard Australia, 2004).

## 53.24-7.2 Bicycle parking

Bicycle parking spaces must be provided at a rate of:

- at least 1 space per dwelling for residents.
- at least 1 space per 5 dwellings for visitors.

At least 20 percent of bicycle parking spaces for residents must be provided as horizontal spaces.

All visitor bicycle parking spaces must be provided as horizontal spaces and be located to provide convenient access from surrounding bicycle routes and main building entrances.

## 53.24-7.3 Communal open space

A development of 10 or more dwellings must provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development must also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and consist of multiple separate areas of communal open space.

Each area of communal open space must be:

- Accessible to all residents.
- Of a useable size, shape and dimension.
- Capable of efficient management.
- Located to:
  - Provide passive surveillance, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Limit overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impact on new and existing dwellings.

Any area of communal outdoor open space must be landscaped and where possible include canopy cover and trees.

At least 50 percent or 125 square metres, whichever is the lesser, of the primary area of communal outdoor open space must receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

## 53.24-7.4 Environmentally sustainable design

A development must achieve:

- At least a 7.5 star NatHERS average (area-weighted across all dwellings).
- At least a 6.5 star NatHERS for an individual dwelling.
- An excellence or equivalent score, in environmentally sustainable design as outlined in the Building Future Homes Adaptation Guide.
- 100 percent Stormwater Treatment Objective-Relative Measure (STORM) rating for the site.

## MORNINGTON PENINSULA PLANNING SCHEME

## 53.24-7.5 Accessibility

At least 50 percent of dwellings must be designed to meet all of the following accessibility design standards.

## Dwelling access

- A slip resistant continuous step-free pathway must be provided from the street and car parking area to the dwelling entry door.
- The pathway must have a minimum clear width of 1.2 metres, no steps, a maximum gradient of 1:14 and a crossfall not steeper than 1:40.
- Where ramps with landings are required as part of the pathway, landings must be no less than 1.2 metres in length, and gate and door swings must not overlap this minimum landing requirements.
- Landings must be provided at the start and end of ramps.
- Where there is a change in height of 190 millimetres or less at an apartment entrance, a step ramp with a gradient not steeper than 1:10 may be used.
- Car parking spaces must provide:
  - A level surface with a gradient not exceeding 1:40 in any direction.
  - A vertical clearance over the parking space of at least 2.5 metres free of obstructions (the 2.5m clearance is not required where mechanical parking is used).

## Dwelling entrance

- The entrance to the dwelling must have:
  - A clear opening width of at least 850 millimetres.
  - A level, and step-free transition and threshold.
  - A level landing on the arrival side of the entrance door of at least 1.35 metres x 1.35 metres.

## Internal doors and passageways

- Doorways to rooms must have a clear opening width of at least 850 millimetres.
- Doorways to rooms must have a level, step-free transition and threshold.
- The dwelling must have clear passageways and corridors with a minimum width of 1.2 metres.

## Toilets and showers

- At least one toilet must be located on the entry level of the dwelling and must have:
  - A secure fixing surface to enable future installation of grab rails.
  - A minimum 1.2 metre x 1.2 metre circulation area located in front of the toilet that is clear of the basin and the door swing.
- The toilet must be located in:
  - the corner of the room if it is in a bathroom with the centre line of the pan 450 to 460 millimetres from the adjacent wall; or
  - a room with a minimum width of 1.2 metres if it is in a room separate to the bathroom.
- At least one bathroom must be located on the entry level of the dwelling and must have a hobless, step-free shower that:
  - Has a removable shower screen.

## MORNINGTON PENINSULA PLANNING SCHEME

- Has a minimum clear internal dimensions of 900 millimetres x 900 millimetres.
- Has a minimum 1.2 metres x 1.2 metres clear circulation area located in front of the shower
- Is located in the corner of the room to enable future installation of grab rails.
- A secure fixing surface must be provided at all toilets, showers and baths to enable future installation of grab rails. This requirement may be met by either:
  - walls that are constructed of solid masonry or concrete
  - providing additional wall framing or structure lining behind the finished wall surface.

## Kitchen laundry

- The kitchen and laundry must have a minimum 1.2 metres clear circulation area in front of appliances and benches.
- Floor finishes must extend under appliances and cabinets to allow for future modifications.

## 53.24-7.6 Building entry and circulation

Common corridors and passageways providing access to a dwelling entry must have a minimum width of 1.2 metres.

Entries to dwellings and buildings must:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings must:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

## 53.24-7.7 Storage

Each dwelling must have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) must meet the requirements specified in Table 1.

Table 1: Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres

## MORNINGTON PENINSULA PLANNING SCHEME

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

## 53.24-7.8 Functional layout

Bedrooms must:

- Meet the minimum internal room dimensions specified in Table 2.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table 2: Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) must meet the minimum internal room dimensions specified in Table 3.

Table 3: Living area dimension and area

Dwelling type	Minimum width	Minimum area
Studio or 1 bedroom dwelling	3.3 metres	10 square metres
2 or more bedroom dwelling	3.6 metres	12 square metres

## 53.24-7.9 Room depth

Single aspect habitable rooms must not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth must be measured from the external surface of the habitable room window to the rear wall of the room.

## 53.24-7.10 Windows

Habitable rooms must have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area must be:

# MORNINGTON PENINSULA PLANNING SCHEME

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

## 53.24-7.11 Natural ventilation

The design and layout of dwellings must maximise openable windows, doors or other ventilation devices in external walls of the building.

All dwellings must provide effective natural ventilation. Effective natural ventilation includes cross ventilation, single sided ventilation or mechanically assisted ventilation.

For cross ventilation:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path must be measured between the ventilation openings on different orientations of the dwelling.

## 53.24-7.12 Deep soil and canopy cover

A development must:

- Provide the canopy cover and deep soil area specified in Table 4 (existing trees can be used to meet the canopy cover requirements of Table 4).
- Provide canopy cover through canopy trees that are:
  - Located in an area of deep soil specified in Table 5, or where deep soil cannot be provided, located in planters specified in Table 5.
  - Consistent with the canopy diameter and height at maturity specified in Table 6.
  - Located in communal outdoor open space or common areas or street frontages.
  - Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
  - Take into account the soil type and drainage patterns of the site.

Table 4: Canopy cover and deep soil requirements

Site area	Canopy area	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 – 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area

## MORNINGTON PENINSULA PLANNING SCHEME

Site area	Canopy area	Deep soil
2501 square metres or more	350 square metres plus 20% of site area above 2,500 square metres  Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table 5: Soil requirements for trees

Tree type	Tree in deep soil Area of deep soil	Tree in planter	
		Volume of soil planter	Depth of soil planter
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension of 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metres

Note When multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.

Table 6: Tree types

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

53.24-8

03/12/2024  
VC269

## Decision guidelines

Before deciding on an application the responsible authority must consider the purpose of this clause.

## MORNINGTON PENINSULA PLANNING SCHEME

54

14/12/2023  
VC253

## ONE DWELLING ON A LOT OR A SMALL SECOND DWELLING ON A LOT

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character

To encourage residential development that provides reasonable standards of amenity for existing and new residents.

To encourage residential development that is responsive to the site and the neighbourhood.

## Application

The provisions of this clause apply to an application to:

- Construct a building or constructor carry out works associated with:
  - One dwelling on a lot,
  - A small second dwelling;
- Construct a building or constructor carry out works associated with one dwelling on a lot under the provisions of a Neighbourhood Character Overlay;

in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

The provisions of this clause apply to an application specified above, in the manner set out in the following table.

Application type	Applicable clauses
To construct or extend one dwelling on a lot.	All of Clause 54 except Clauses 54.03-7 and 54.03-8.
To construct or extend one dwelling on a lot and a small second dwelling.	All of Clause 54 except Clauses 54.02-2, 54.05-3 and 54.06-2.

## Operation

The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective. A standard should normally be met. However if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

## Requirements

A development:

- Must meet all of the applicable objectives of this clause.
- Should meet all of the applicable standards of this clause.

If a development meets standard A3, A4, A5, A6, A9, A9.1, A10, A11, A12, A13, A14, A15, A16, A17 or A20, it is deemed to meet the objective for that standard.

## MORNINGTON PENINSULA PLANNING SCHEME

Where standard A3, A4, A5, A6, A9, A9.1, A10, A11, A12, A13, A14, A15, A16, A17 or A20 is met the decision guidelines for that standard do not apply to the application.

If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

If the land is included in a Neighbourhood Character Overlay and a permit is required under the overlay or a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.

If the land is included in an overlay other than a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.



## MORNINGTON PENINSULA PLANNING SCHEME

54.01

16/01/2018  
VC142

## NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

An application must be accompanied by:

- A neighbourhood and site description.
- A design response.

54.01-1

16/01/2018  
VC142

## Neighbourhood and site description

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the neighbourhood:
  - The built form, scale and character of surrounding development including front fencing.
  - Architectural and roof styles.
  - Any other notable features or characteristics of the neighbourhood.
- In relation to the site:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - Location of existing buildings on the site and on surrounding properties including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and to surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossings.
  - Any other notable features or characteristics of the site.

If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

Satisfactory neighbourhood and site description

If the responsible authority decides that the neighbourhood and site description is not satisfactory it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

54.01-2

19/01/2006  
VC37

## Design response

The design response must explain how the proposed design:

## MORNINGTON PENINSULA PLANNING SCHEME

- Derives from and responds to the neighbourhood and site description.
- Meets the objectives of Clause 54.
- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

## MORNINGTON PENINSULA PLANNING SCHEME

## 54.02

19/01/2006  
VC37

## NEIGHBOURHOOD CHARACTER

## 54.02-1

19/01/2006  
VC37

## Neighbourhood character objective

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character

To ensure that the design responds to the features of the site and the surrounding area.

## Standard A1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

## 54.02-2

19/01/2006  
VC37

## Integration with the street objective

To integrate the layout of development with the street.

## Standard A2

Dwellings should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.

## MORNINGTON PENINSULA PLANNING SCHEME

54.03

15/07/2013  
VC100

54.03-1

20/01/2022  
VC205

## SITE LAYOUT AND BUILDING MASSING

## Street setback objective

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

## Standard A3

Walls of buildings should be setback from streets:

- At least the distances specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distances specified in Table A1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table A1 Street setback

Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Transport Zone 2 and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.</p>	The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

## MORNINGTON PENINSULA PLANNING SCHEME

## 54.03-2

22/09/2023  
VC243

## Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character

## Standard A4

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

## 54.03-3

15/07/2013  
VC100

## Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

## Standard A5

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

## 54.03-4

15/07/2013  
VC100

## Permeability objectives

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.

## Standard A6

The site area covered by pervious surfaces should be at least:

## MORNINGTON PENINSULA PLANNING SCHEME

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces particularly on lots of less than 300 square metres.

54.03-5

14/12/2023  
VC253

## Energy efficiency protection objectives

To achieve and protect energy efficient dwellings and small second dwellings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

## Standard A7

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open spaces should be located on the north side of the dwelling or small second dwelling, if practicable.

A dwelling or small second dwelling should be designed so that solar access to north-facing windows is maximised.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.
- The availability of solar access to north-facing windows on the site.

54.03-6

19/01/2006  
VC37

## Significant trees objectives

To encourage development that respects the landscape character of the neighbourhood.

## MORNINGTON PENINSULA PLANNING SCHEME

To encourage the retention of significant trees on the site.

## Standard A8

Developments should provide for the retention or planting of trees, where these are part of the neighbourhood character.

Developments should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The health of any trees that were removed or are proposed to be removed.
- Whether a tree was removed to gain a development advantage.

## 54.03-7

14/12/2023  
VC253

## Building setback

To ensure that small second dwellings are sited to respect the existing or preferred neighbourhood character.

## Standard A9

Walls of a small second dwelling should be setback behind the front wall of the existing dwelling on the lot, facing the frontage.

Porches, pergolas, verandahs and eaves should not encroach into the setback of this standard.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The visual impact of the building when viewed from the street and from adjoining properties.

## 54.03-8

14/12/2023  
VC253

## Safety and accessibility

To ensure access to a small second dwelling is safe, convenient and meets the needs of residents.

## Standard A9.1

A small second dwelling should be provided with a clear and unobstructed path from the frontage that:

- Has a minimum width of at least 1 metre, with no encroachments. If the path is longer than 30 metres, the path should have a minimum width of at least 1.8 metres.
- Has a minimum clear height of at least 2 metres, with no encroachments.
- Has a gradient no steeper than 1 in 14.
- Has a crossfall no steeper than 1 in 40.
- Is sealed or has an all-weather access.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

## MORNINGTON PENINSULA PLANNING SCHEME

- Any relevantneighbourhoodcharacterobjective,policy or statementsetout in this scheme.
- Thesafetyandaccessibilityof thesmallseconddwelling.



## MORNINGTON PENINSULA PLANNING SCHEME

54.04

10/12/2013  
VC99

54.04-1

14/12/2023  
VC253

## AMENITY IMPACTS

## Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.

## Standard A10

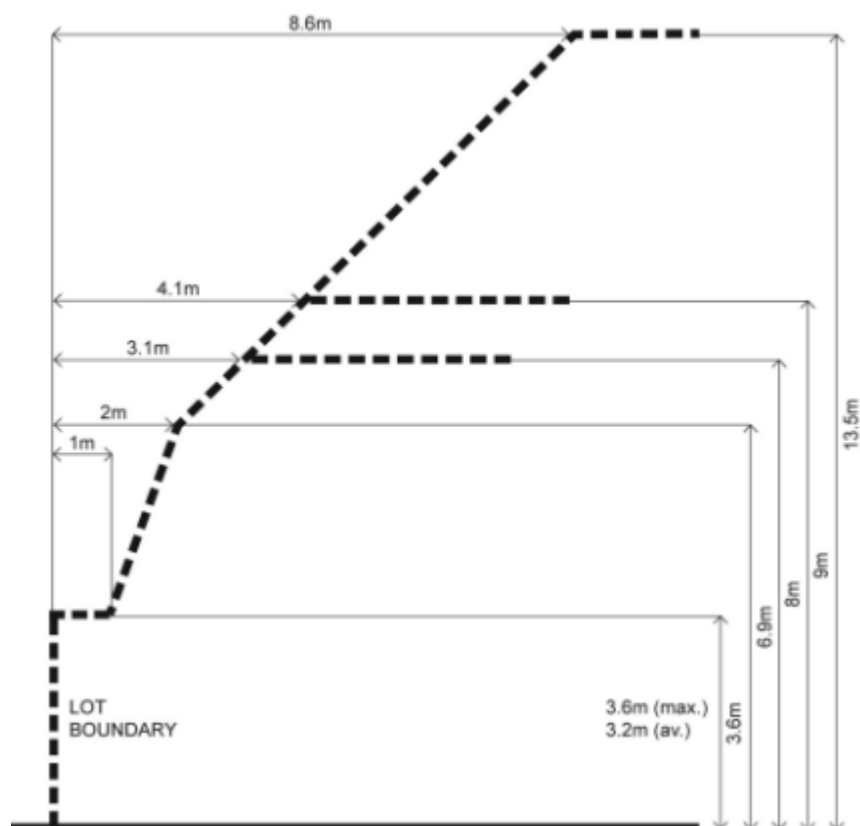
A new building not on or within 200mm of a boundary should be setback from side or rear boundaries:

- At least the distances specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram A1 Side and rear setbacks



## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.

## MORNINGTON PENINSULA PLANNING SCHEME

- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings or small second dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary
- Whether the wall abuts a side or rear lane.

## 54.04-2

14/12/2023  
VC253

## Walls on boundaries objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.

## Standard A11

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 percent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary

A building on a boundary includes a building setback up to 200mm from a boundary

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings or small second dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter

## MORNINGTON PENINSULA PLANNING SCHEME

## 54.04-3

14/12/2023  
VC253

## Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

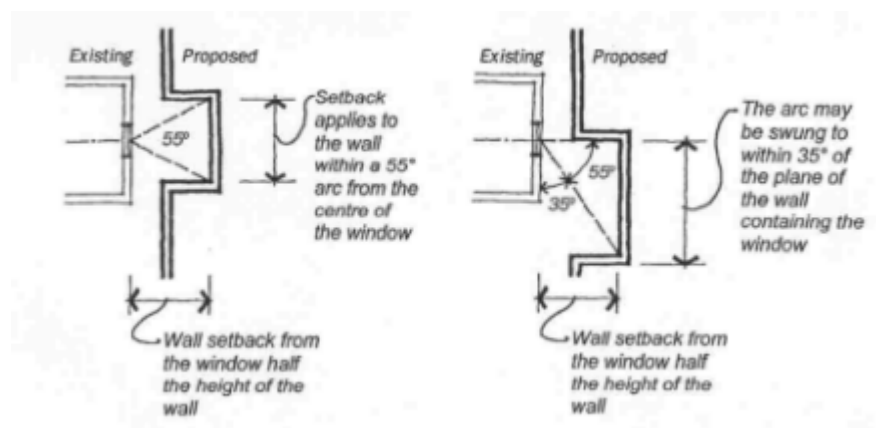
## Standard A12

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be setback from the window at least 50 percent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

## Diagram A2 Daylight to existing windows



## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling or small second dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings or small second dwellings.

## 54.04-4

14/12/2023  
VC253

## North-facing windows objective

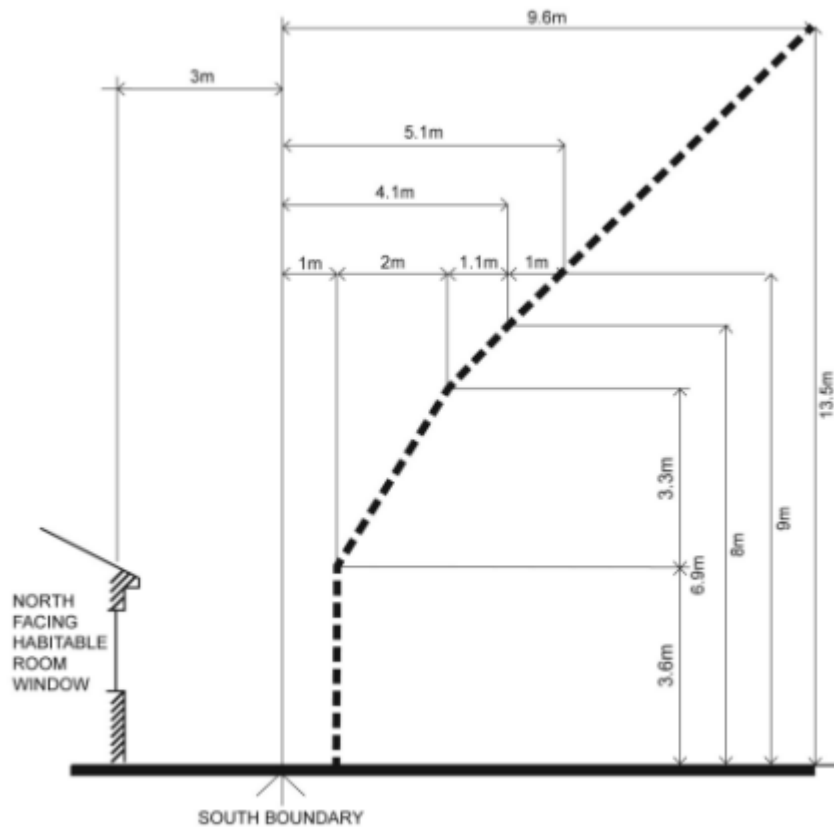
To allow adequate solar access to existing north-facing habitable room windows.

## Standard A13

If a north-facing habitable room window of an existing dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

## MORNINGTON PENINSULA PLANNING SCHEME

Diagram A3 North-facing windows



## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling or small second dwelling.
- The impact on the amenity of existing dwellings or small second dwellings.

54.04-5

14/12/2023  
VC253

## Overshadowing open space objective

To ensure buildings do not unreasonably overshadow existing secluded private open space of dwellings or small second dwellings.

## Standard A14

Where sunlight to the secluded private open space of an existing dwelling or small second dwelling is reduced at least 75 percent, or 40 square metres with minimum dimension of 3 metres whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.

## MORNINGTON PENINSULA PLANNING SCHEME

- The impact on the amenity of existing dwellings or small second dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling or small second dwellings.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling or small second dwellings.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

54.04-6

14/12/2023  
VC253

## Overlooking objective

To limit views into existing secluded private open space and habitable room windows.

## Standard A15

A habitable room window, balcony terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill height of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens at least 1.7 metres above floor level and be no more than 25 percent transparent.

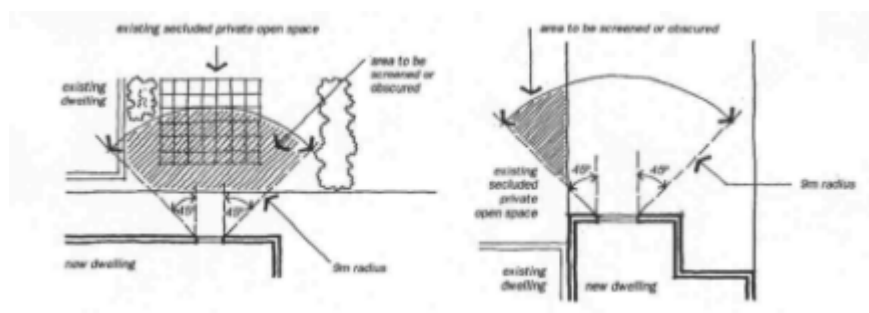
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 percent openings or solid translucent panels.
- Permanent fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Diagram A4 Overlooking open space



## MORNINGTON PENINSULA PLANNING SCHEME

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings or small second dwellings.
- The internal daylight to and amenity of the proposed dwelling or small second dwelling.

## MORNINGTON PENINSULA PLANNING SCHEME

54.05

15/07/2013  
VC100

## ON-SITE AMENITY AND FACILITIES

54.05-1

19/01/2006  
VC37

## Daylight to new windows objective

To allow adequate daylight into new habitable room windows.

## Standard A16

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A veranda provided it is open for at least one third of its perimeter or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

54.05-2

14/12/2023  
VC253

## Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

## Standard A17

A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimension is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

A dwelling with a small second dwelling on the same lot should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimension is specified in a schedule to the zone, a dwelling with a small second dwelling on the same lot should have secluded private open space consisting of an area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

A small second dwelling should have a secluded private open space consisting of an area of 8 square metres with a minimum dimension of 1.6 metres and convenient access from a living room.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space including its size and accessibility
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

## MORNINGTON PENINSULA PLANNING SCHEME

54.05-3

19/01/2006  
VC37

Solar access to open space objective

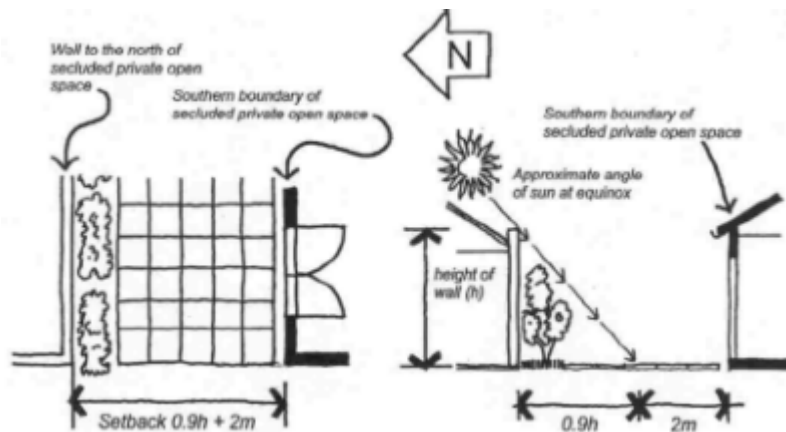
To allow solar access into the secluded private open space of a new dwelling.

Standard A18

The private open space should be located on the north side of the dwelling, if practicable.

The southern boundary of secluded private open space should be setback from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.

Diagram A5 Solar access to open space



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.



## MORNINGTON PENINSULA PLANNING SCHEME

## 54.06

15/07/2013  
VC100

## 54.06-1

19/01/2006  
VC37

## DETAILED DESIGN

## Design detail objective

To encourage design detail that respects the existing or preferred neighbourhood character

## Standard A19

The design of buildings, including:

- Facade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,

should respect the existing or preferred neighbourhood character

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

## 54.06-2

22/09/2023  
VC243

## Front fences objective

To encourage front fence design that respects the existing or preferred neighbourhood character

## Standard A20

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Table A2 Maximum front fence height

Street context	Maximum front fence height
Streets in a Transport Zone 2	2 metres
Other streets	1.5 metres

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.

## MORNINGTON PENINSULA PLANNING SCHEME

- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

## MORNINGTON PENINSULA PLANNING SCHEME

55

22/09/2023  
VC243

## TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character

To encourage residential development that provides reasonable standards of amenity for existing and new residents.

To encourage residential development that is responsive to the site and the neighbourhood.

## Application

Provisions in this clause apply to an application to:

- Construct a dwelling if there is at least one dwelling existing on the lot,
- Construct two or more dwellings on a lot,
- Extend a dwelling if there are two or more dwellings on the lot,
- Construct or extend a dwelling on common property or
- Construct or extend a residential building,

in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

The provisions of this clause apply to an application specified above, in the manner set out in the following table.

Application type	Applicable clauses
To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development), or To construct or extend a residential building.	All of Clause 55 except Clause 55.07-1 to 55.07-19 (inclusive).
To construct or extend an apartment development, or To construct or extend a dwelling in or forming part of an apartment development.	All of Clause 55 except Clause 55.03-5, Clause 55.03-6, Clause 55.03-8, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6.

These provisions do not apply to an application to construct or extend a development of five or more storeys, excluding a basement, or to construct or extend a dwelling in a development of five or more storeys, excluding a basement.

## Operation

The provisions of this clause contain:

- **Objectives.** An objective describes the desired outcome to be achieved in the completed development.
- **Standards.** A standard contains the requirements to meet the objective.  
A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

## Requirements

A development:

## MORNINGTON PENINSULA PLANNING SCHEME

- Must meet all of the objectives of this clause that apply to the application.
- Should meet all of the standards of this clause that apply to the application.

If a development meets standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32, it is deemed to meet the objective for that standard.

Where standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32 is met the decision guidelines for that standard do not apply to the application.

For all of the provisions of Clause 55 other than Clause 55.07 (Apartment developments):

- If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.
- If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.
- If the land is included in an overlay other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.

The requirements of a standard set out in Clause 55.07 (Apartment developments) apply to the exclusion of any different requirements specified in a zone, a schedule to a zone, or a schedule to an overlay.

#### Transitional provisions

Clause 55.03-4 of this planning scheme as in force immediately before the approval date of Amendment VC154, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

## MORNINGTON PENINSULA PLANNING SCHEME

## 55.01

16/01/2018  
VC142

## NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

An application must be accompanied by:

- A neighbourhood and site description.
- A design response.

## 55.01-1

16/01/2018  
VC142

## Neighbourhood and site description

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the neighbourhood:
  - The pattern of development of the neighbourhood.
  - The built form, scale and character of surrounding development including front fencing.
  - Architectural and roof styles.
  - Any other notable features or characteristics of the neighbourhood.
- In relation to the site:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - The location of existing buildings on the site and on surrounding properties including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and to surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossings.
  - The location of local shops, public transport services and public open spaces within walking distance.
  - Any other notable features or characteristics of the site.

If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

Satisfactory neighbourhood and site description

If the responsible authority decides that the neighbourhood and site description is not satisfactory it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

55.01-2

20/12/2021  
VC174

## Design response

The design response must explain how the proposed design:

- Derives from and responds to the neighbourhood and site description.
- Meets the objectives of Clause 55.
- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay

If the application is for an apartment development the design response must explain how the proposed design selects materials and finishes for the external walls.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

## MORNINGTON PENINSULA PLANNING SCHEME

## 55.02

31/07/2018  
VC148

## NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

## 55.02-1

19/01/2006  
VC37

## Neighbourhood character objectives

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character

To ensure that development responds to the features of the site and the surrounding area.

## Standard B1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

## 55.02-2

11/04/2019  
VC156

## Residential policy objectives

To ensure that residential developments provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

## Standard B2

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the developments consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

## 55.02-3

19/01/2006  
VC37

## Dwelling diversity objective

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

## Standard B3

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.
- At least one dwelling that contains a kitchen, bath or shower and a toilet and washbasin at ground floor level.

## 55.02-4

01/01/2024  
VC250

## Infrastructure objectives

To ensure developments provided with appropriate utility services and infrastructure.

## MORNINGTON PENINSULA PLANNING SCHEME

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

## Standard B4

Developments should be connected to reticulated services including reticulated sewerage, drainage and electricity, if available.

Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage a Land Capability Assessment on the risks to human health and the environment of a non-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- If the drainage system has little or no spare capacity the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

55.02-5

19/01/2006  
VC37

## Integration with the street objective

To integrate the layout of development with the street.

## Standard B5

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Developments should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open spaces should be laid out to complement the open space.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.



## MORNINGTON PENINSULA PLANNING SCHEME

55.03

31/07/2018  
VC148

55.03-1

20/01/2022  
VC205

## SITE LAYOUT AND BUILDING MASSING

## Street setback objective

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

## Standard B6

Walls of buildings should be setback from streets:

- At least the distances specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distances specified in Table B1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table B1 Street setback

Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Transport Zone 2 and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.

## MORNINGTON PENINSULA PLANNING SCHEME

- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

55.03-2

22/09/2023  
VC243

## Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character

## Standard B7

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

55.03-3

15/07/2013  
VC100

## Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

## Standard B8

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

## MORNINGTON PENINSULA PLANNING SCHEME

## 55.03-4

26/10/2018  
VC154

## Permeability and stormwater management objectives

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.

To encourage stormwater management that maximises the retention and reuse of stormwater

## Standard B9

The site area covered by the pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone, or
- If no minimum is specified in a schedule to the zone, 20 percent of the site.

The stormwater management systems should be designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The capacity of the site to incorporate stormwater retention and reuse.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces particularly on lots of less than 300 square metres.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

## 55.03-5

14/12/2023  
VC253

## Energy efficiency objectives

To achieve and protect energy efficient dwellings, residential buildings and small second dwellings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

## Standard B10

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open spaces should be located on the north side of the development if practicable.

Developments should be designed so that solar access to north-facing windows is maximised.

## MORNINGTON PENINSULA PLANNING SCHEME

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.

55.03-6

31/07/2018  
VC148

## Open space objective

To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

## Standard B11

If any public or communal open space is provided on site, it should:

- Be substantially fronted by dwellings, where appropriate.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

55.03-7

19/01/2006  
VC37

## Safety objective

To ensure the layout of development provides for the safety and security of residents and property

## Standard B12

Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

## Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

55.03-8

31/07/2018  
VC148

## Landscaping objectives

To encourage development that respects the landscape character of the neighbourhood.

## MORNINGTON PENINSULA PLANNING SCHEME

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

## Standard B13

The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should meet any additional landscape requirements specified in a schedule to the zone.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the neighbourhood.
- The health of any trees to be removed.
- Whether a tree was removed to gain a development advantage.

55.03-9  
20/01/2022  
VC205

## Access objective

To ensure the number and design of vehicle crossovers respects the neighbourhood character

## Standard B14

The width of accessway or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.

Development must provide for access for service, emergency and delivery vehicles.

## MORNINGTON PENINSULA PLANNING SCHEME

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the neighbourhood character
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

55.03-10

19/04/2013  
VC95

## Parking location objectives

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

## Standard B15

Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings.
- Be secure.
- Be well ventilated if enclosed.

Shared access way or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way

## Decision guideline

Before deciding on an application, the responsible authority must consider the design response.



## MORNINGTON PENINSULA PLANNING SCHEME

- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings or small second dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary
- Whether the wall abuts a side or rear lane.

55.04-2

14/12/2023  
VC253

## Walls on boundaries objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.

## Standard B18

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:

- For a length of more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 percent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary

A building on a boundary includes a building setback up to 200mm from a boundary

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character
- The impact on the amenity of existing dwellings or small second dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter



## MORNINGTON PENINSULA PLANNING SCHEME

## 55.04-3

14/12/2023  
VC253

## Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

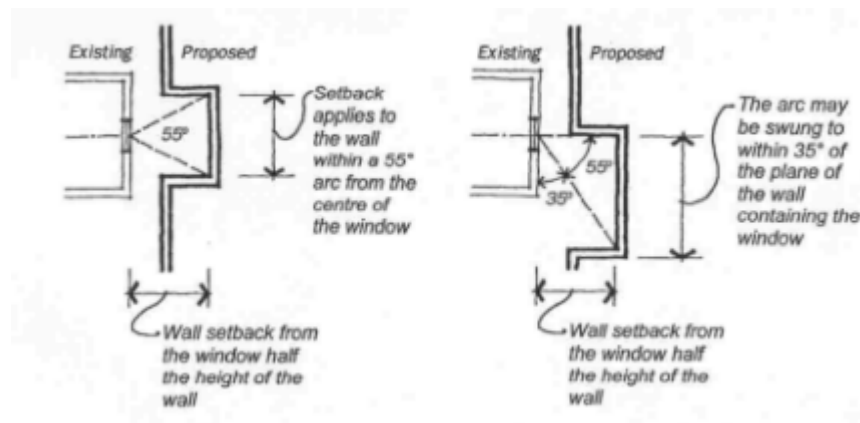
## Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be setback from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

## Diagram B2 Daylight to existing windows



## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling or small second dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings or small second dwellings.

## 55.04-4

14/12/2023  
VC253

## North-facing windows objective

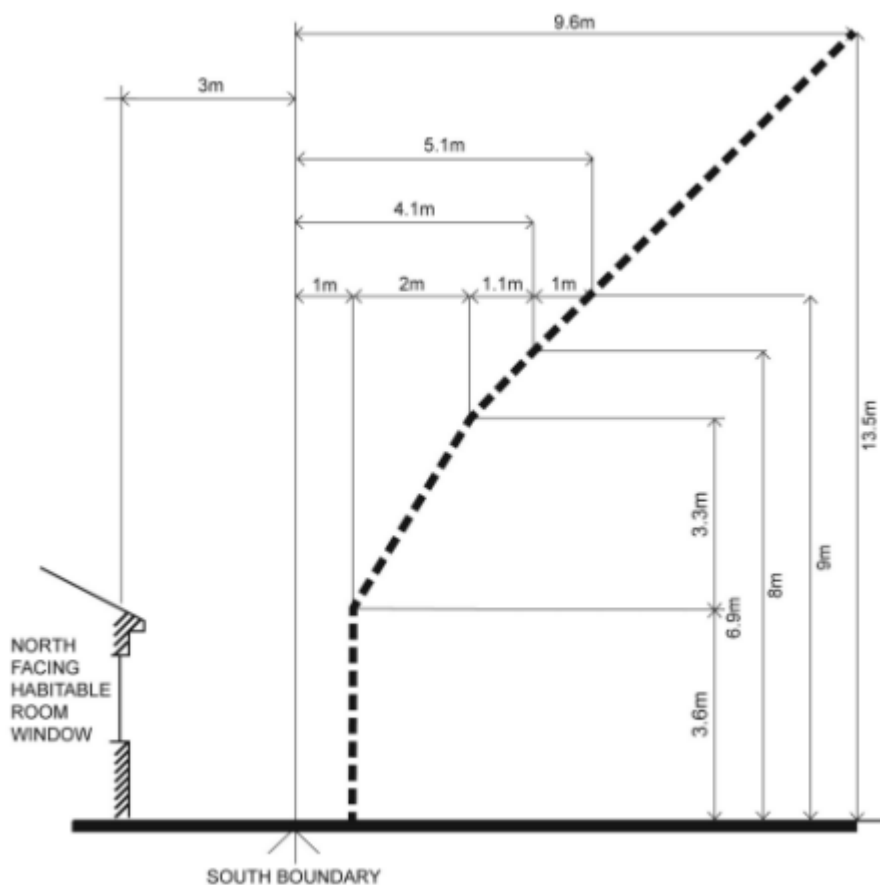
To allow adequate solar access to existing north-facing habitable room windows.

## Standard B20

If a north-facing habitable room window of an existing dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

## MORNINGTON PENINSULA PLANNING SCHEME

Diagram B3 North-facing windows



## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling or small second dwelling.
- The impact on the amenity of existing dwellings or small second dwellings.

55.04-5

14/12/2023  
VC253

## Overshadowing open space objective

To ensure buildings do not significantly overshadow existing secluded private open space.

## Standard B21

Where sunlight to the secluded private open space of an existing dwelling or small second dwelling is reduced at least 75 percent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

## MORNINGTON PENINSULA PLANNING SCHEME

- The design response.
- The impact on the amenity of existing dwellings or small second dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling or small second dwelling.
- The time of day that sunlight will be available to the secluded private open space of the existing dwelling or small second dwelling.
- The effect of a reduction in sunlight on the existing use of the existing secluded private open space.

55.04-6

14/12/2023  
VC253

## Overlooking objective

To limit views into existing secluded private open space and habitable room windows.

## Standard B22

A habitable room window, balcony terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other
- Have sill height of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metres above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

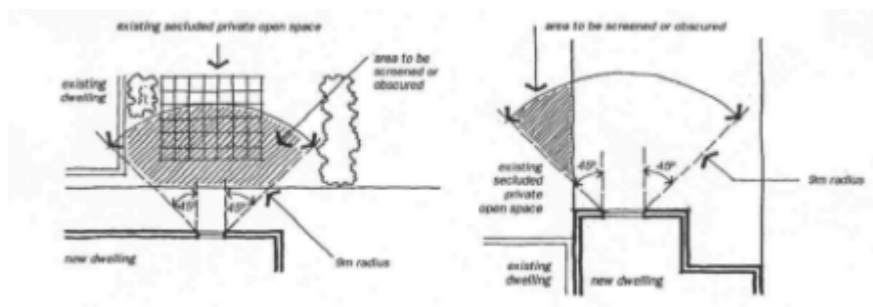
Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony terrace, deck or patio is less than 0.8 metres above ground level at the boundary

## MORNINGTON PENINSULA PLANNING SCHEME

Diagram B4 Overlooking open space



## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings or small second dwellings.
- The internal daylight to and amenity of the proposed dwelling, residential building or small second dwelling.

55.04-7

19/01/2006  
VC37

## Internal views objective

To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

## Standard B23

Windows and balconies should be designed to prevent overlooking of more than 50 percent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.

## Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

55.04-8

14/12/2023  
VC253

## Noise impacts objectives

To contain noise sources in developments that may affect existing dwellings or small second dwellings.

To protect residents from external noise.

## Standard B24

Noise sources such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

## Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

## MORNINGTON PENINSULA PLANNING SCHEME

55.05

13/04/2017  
VC136

## ON-SITE AMENITY AND FACILITIES

55.05-1

19/01/2006  
VC37

## Accessibility objective

To encourage the consideration of the needs of people with limited mobility in the design of developments.

## Standard B25

The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

55.05-2

19/01/2006  
VC37

## Dwelling entry objective

To provide each dwelling or residential building with its own sense of identity.

## Standard B26

Entries to dwellings and residential buildings should:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

55.05-3

19/01/2006  
VC37

## Daylight to new windows objective

To allow adequate daylight into new habitable room windows.

## Standard B27

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A veranda provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

55.05-4

13/04/2017  
VC136

## Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

## Standard B28

A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:

- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or

## MORNINGTON PENINSULA PLANNING SCHEME

- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space including its size and accessibility
- The availability of and access to public or communal open space.
- The orientation of the lot to the street and the sun.

## 55.05-5

19/01/2006  
VC37

## Solar access to open space objective

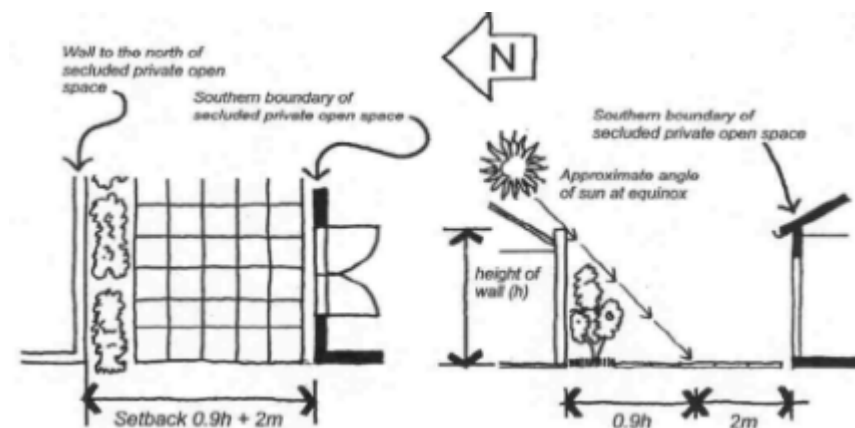
To allow solar access into the secluded private open space of new dwellings and residential buildings.

## Standard B29

The private open space should be located on the north side of the dwelling or residential building, if appropriate.

The southern boundary of secluded private open space should be setback from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.

Diagram B5 Solar access to open space



## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

## 55.05-6

19/01/2006  
VC37

## Storage objective

To provide adequate storage facilities for each dwelling.

## MORNINGTON PENINSULA PLANNING SCHEME

## Standard B30

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

## MORNINGTON PENINSULA PLANNING SCHEME

## 55.06

15/07/2013  
VC100

## 55.06-1

19/01/2006  
VC37

## DETAILED DESIGN

## Design detail objective

To encourage design detail that respects the existing or preferred neighbourhood character

## Standard B31

The design of buildings, including:

- Facade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Veranda eaves and parapets,

should respect the existing or preferred neighbourhood character

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

## 55.06-2

22/09/2023  
VC243

## Front fences objective

To encourage front fence design that respects the existing or preferred neighbourhood character

## Standard B32

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.

Table B3 Maximum front fence height

Street Context	Maximum front fence height
Streets in a Transport Zone 2	2 metres
Other streets	1.5 metres

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.



## MORNINGTON PENINSULA PLANNING SCHEME

- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

55.06-3

19/01/2006  
VC37

## Common property objectives

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

## Standard B33

Developments should clearly delineate public, communal and private areas.

Common property where provided, should be functional and capable of efficient management.

55.06-4

19/01/2006  
VC37

## Site services objectives

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

## Standard B34

The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Bin and recycling enclosures should be located for convenient access by residents.

Mailboxes should be provided and located for convenient access as required by Australia Post.

## Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

## MORNINGTON PENINSULA PLANNING SCHEME

## 55.07

31/07/2018  
VC148

## APARTMENT DEVELOPMENTS

## Purpose

Clause 55.07 sets out requirements for an apartment development.

## 55.07-1

14/12/2023  
VC253

## Energy efficiency objectives

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency

## Standard B35

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open spaces should be located on the north side of the development if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table B4 in should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table B4 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.

## MORNINGTON PENINSULA PLANNING SCHEME

- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.

## 55.07-2

14/12/2023  
VC253

## Communal open space objective

To provide communal open space that meets the recreation and amenity needs of residents.

To ensure that communal open space is accessible, functional, and is easily maintained.

To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.

## Standard B36

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and consist of multiple separate areas of communal open space.

Each area of communal open space should be:

- Accessible to all residents.
- A useable size, shape and dimension.
- Capable of efficient management.
- Located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings and existing small second dwellings.

Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The availability of and access to public open space.

## 55.07-3

13/04/2017  
VC136

## Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

## MORNINGTON PENINSULA PLANNING SCHEME

## Standard B37

The communal outdoor open spaces should be located on the north side of a building, if appropriate.

At least 50 percent or 125 square metres, whichever is the lesser of the primary communal outdoor open spaces should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

55.07-4

15/03/2024  
VC256

## Landscaping objective

To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.

To preserve existing canopy cover and support the provision of new canopy cover

To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.

## Standard B38

Developments should retain existing trees and canopy cover

Developments should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Developments should:

- Provide the canopy cover and deep soil area as specified in Table B5. Existing trees can be used to meet the canopy cover requirements of Table B5.
- Provide canopy cover through canopy trees that are:
  - Located in an area of deep soil specified in Table B6. Where deep soil cannot be provided trees should be provided in planters specified in Table B6.
  - Consistent with the canopy diameter and height at maturity specified in Table B7.
  - Located in communal outdoor open space or common areas or street frontages.
- Comprise smaller trees, shrubs and groundcover, including flowering native species.
- Include landscaping such as climbing plants or smaller plants in planters in the street frontage and in outdoor areas including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface material that lower surface temperature and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

## MORNINGTON PENINSULA PLANNING SCHEME

Table B5 Canopy cover and deep soil requirements

Site area	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 - 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2501 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table B6 Soil requirements for trees

Tree type	Tree in deep soil Area of deep soil	Tree in planter Volume of planter soil	Depth of planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension of 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

Note: Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.

Table B7 Tree types

Tree types	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character, landscaping or environmental policy, objective, strategy or statement set out in this planning scheme.
- The design response.
- The health of any trees to be removed.
- The suitability of the proposed location, deep soil area and planter soil volume for canopy trees.

## MORNINGTON PENINSULA PLANNING SCHEME

- The suitability of the proposed landscaping in communal outdoor open space.
- The type and quantity of canopy cover, including any alternatives to trees.
- The soil type and drainage patterns of the site.
- The ongoing management of landscaping including any irrigation systems.

## 55.07-5

26/10/2018  
VC154

## Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

## Standard B39

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply where available from the water authority.

The stormwater management systems should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater- Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

## 55.07-6

20/12/2021  
VC174

## Access objective

To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.

To ensure that vehicle crossovers are designed and located to minimise visual impact.

## Standard B40

Vehicle crossovers should be minimised.

## MORNINGTON PENINSULA PLANNING SCHEME

Carparking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.

Pedestrian and cyclist access should be clearly delineated from vehicle access.

The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.

Development must provide access for service, emergency and delivery vehicles.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the street.
- The impact on the safety of pedestrians or cyclists.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and road reserve.

55.07-7

14/12/2023  
VC253

## Noise impacts objective

To contain noise sources in developments that may affect existing dwellings or small second dwellings.

To protect residents from external and internal noise sources.

## Standard B41

Noise sources such as mechanical plants should not be located near bedrooms or immediately adjacent to existing dwellings or small second dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area as specified in Table B8 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas assessed as an LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table B8 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	

## MORNINGTON PENINSULA PLANNING SCHEME

Noise source	Noise influence area
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified specialist submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling or small second dwelling and the site context.

55.07-8

20/12/2021  
VC174

## Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

## Standard B42

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B9.

## Table B9 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: <ul style="list-style-type: none"> <li>▪ A slide door, or</li> </ul>	Either: <ul style="list-style-type: none"> <li>▪ A slide door, or</li> </ul>



## MORNINGTON PENINSULA PLANNING SCHEME

	Design option A	Design option B
	<ul style="list-style-type: none"> <li>A door that opens outwards, or</li> <li>A door that opens inwards that is clear of the circulation area and has readily removable hinges.</li> </ul>	<ul style="list-style-type: none"> <li>A door that opens outwards, or</li> <li>A door that opens inwards and has readily removable hinges.</li> </ul>
Circulation area	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> <li>A minimum area of 1.2 metres by 1.2 metres.</li> <li>Located in front of the shower and the toilet.</li> <li>Clear of the toilet, basin and the door swing.</li> </ul> <p>The circulation area for the toilet and shower can overlap.</p>	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> <li>A minimum width of 1 metre.</li> <li>The full length of the bathroom and a minimum length of 2.7 metres.</li> <li>Clear of the toilet and basin.</li> </ul> <p>The circulation area can include a shower area.</p>
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

55.07-9

20/12/2021  
VC174

## Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

## Standard B43

A dwelling should have private open space consisting of at least one of the following:

- An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- A balcony with at least the area and dimensions specified in Table B10 and convenient access from a living room. If a cooling or heating unit is located on a balcony the minimum balcony area specified in Table B10 should be increased by at least 1.5 square metres.
- An area on a podium or others similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.

Table B10 Balcony size

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres

## MORNINGTON PENINSULA PLANNING SCHEME

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
	3 or more bedroom dwelling	12 square metres	2.4 metres

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and functionality of the private open space including its size and accessibility
- The amenity of the private open space based on the orientation of the lot, noise exposure, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

55.07-10

20/12/2021  
VC174

## Storage objective

To provide adequate storage facilities for each dwelling.

## Standard B44

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B11.

Table B11 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

55.07-11

24/01/2020  
VC160

## Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impact on residential amenity, health and the public realm.

## Standard B45

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.

## MORNINGTON PENINSULA PLANNING SCHEME

- Adequately ventilated.
- Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Development (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

55.07-12  
20/12/2021  
VC174

## Functional layout objective

To ensure dwellings provide functional areas that meet the needs of residents.

## Standard B46

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table B12.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table B12 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.

Table B13 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm

## MORNINGTON PENINSULA PLANNING SCHEME

Dwelling type	Minimum width	Minimum area
2 or more bedroom dwelling	3.6 metres	12 sqm

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

## 55.07-13

13/04/2017  
VC136

## Room depth objective

To allow adequate daylight into single aspect habitable rooms.

## Standard B47

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

## 55.07-14

13/04/2017  
VC136

## Windows objective

To allow adequate daylight into new habitable room windows.

## Standard B48

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

## MORNINGTON PENINSULA PLANNING SCHEME

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

## 55.07-15

13/04/2017  
VC136

## Natural ventilation objectives

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

## Standard B49

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 percent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site.
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

## 55.07-16

20/12/2021  
VC174

## Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

## Standard B50

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:

## MORNINGTON PENINSULA PLANNING SCHEME

- Include at least one source of natural light and natural ventilation.
- Avoid obstruction from building services.
- Maintain clear sight lines.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

55.07-17

20/12/2021  
VC174

## Integration with the street objective

To integrate the layout of development with the street.

To support development that activates street frontages.

## Standard B51

Development should be oriented to front existing and proposed streets.

Along street frontages, development should:

- Incorporate pedestrian entries, windows, balconies or other active spaces.
- Limit blank walls.
- Limit high front fencing, unless consistent with the existing urban context.
- Provide low and visually permeable front fences, where proposed.
- Conceal car parking and internal waste collection areas from the street.

Development next to existing public open spaces should be designed to complement the open space and facilitate passive surveillance.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

55.07-18

20/12/2021  
VC174

## Site services objective

To ensure that site services are accessible and can be easily installed and maintained.

To ensure that site services and facilities are visually integrated into the building design or landscape.

## Standard B52

Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically

Meters and utility services should be designed as an integrated component of the building or landscape.

Mailboxes and other site facilities should be adequate in size, durable, weather-protected, located for convenient access and integrated into the overall design of the development.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

## MORNINGTON PENINSULA PLANNING SCHEME

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

55.07-19

20/12/2021  
VC174

## External walls and materials objective

To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.

To ensure external walls endure and retain their attractiveness.

## Standard B53

External walls should be finished with material that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall design should facilitate safe and convenient access for maintenance.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant building design and urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

## MORNINGTON PENINSULA PLANNING SCHEME

56

31/07/2018  
VC148

## RESIDENTIAL SUBDIVISION

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To create liveable and sustainable neighbourhoods and urban places with character and identity.

To achieve residential subdivision outcomes that appropriately respond to the site and its context for:

- Metropolitan Melbourne growth areas.
- Infill sites within established residential areas.
- Regional cities and towns.

To ensure residential subdivision design appropriately provides for:

- Policy implementation.
- Liveable and sustainable communities.
- Residential lot design.
- Urban landscape.
- Access and mobility management.
- Integrated water management.
- Site management.
- Utilities.

## Application

These provisions apply to an application to subdivide land in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone and any Comprehensive Development Zone or Priority Development Zone that provides for residential development.

These provisions do not apply to an application to subdivide land into lots each containing an existing dwelling or car parking space.

## Operation

The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed subdivision.
- Standards. A standard contains the requirements to meet the objective.

A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

## Requirement

An application to subdivide land:

- Must be accompanied by a site and context description and a design response.
- Must meet all of the objectives included in the clauses specified in the zone.
- Should meet all of the standards included in the clauses specified in the zone.



## MORNINGTON PENINSULA PLANNING SCHEME

## Certification of standards

A subdivision may be certified by a person authorised by the Minister for Planning as meeting the requirements of a standard in this clause.

A standard that is certified as met is deemed to have met the objective of that standard.

## MORNINGTON PENINSULA PLANNING SCHEME

56.01

16/01/2018  
VC142

56.01-1

16/01/2018  
VC142

## SUBDIVISION SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

## Subdivision site and context description

The site and context description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the site:
  - Site shape, size, dimensions and orientation.
  - Levels and contours of the site.
  - Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops.
  - The siting and use of existing buildings and structures.
  - Street frontage features such as poles, street trees and kerb crossings.
  - Access points.
  - Location of drainage and other utilities.
  - Easements.
  - Any identified natural or cultural features of the site.
  - Significant views to and from the site.
  - Noise and odour sources or other external influences.
  - Soil conditions including any land affected by contamination, erosion, salinity, acid sulphate soils or fill.
  - Any other notable features or characteristics of the site.
  - Adjacent uses.
  - Any other factor affecting the capacity to develop the site including whether the site is affected by inundation.
- An application for subdivision of 3 or more lots must also describe in relation to the surrounding area:
  - The pattern of subdivision.
  - Existing land uses.
  - The location and use of existing buildings on adjacent land.
  - Abutting street and path widths, materials and detailing.
  - The location and type of significant vegetation.
- An application for subdivision of 60 or more lots must also describe in relation to the surrounding area:
  - Location, distance and type of any nearby public open space and recreational facilities.
  - Direction and distance to local shops and community facilities.
  - Directions and walking distance to public transport routes and stops.
  - Direction and walking distance to existing neighbourhood major and principal activity centres and major employment areas.

## MORNINGTON PENINSULA PLANNING SCHEME

- Existing transport routes, including freeways, arterial roads and streets connecting neighbourhoods.
- Local street network including potential connections to adjacent subdivisions.
- Traffic volumes and movements on adjacent roads and streets.
- Pedestrian, bicycle and shared paths identifying whether their primary role is neighbourhood or regional access.
- Any places of cultural significance.
- Natural features including trees and other significant vegetation, drainagelines, water courses, wetlands, ridgelines and hill tops.
- Proximity of any fire threats.
- Pattern of ownership of adjoining lots.

If in the opinion of the responsible authority a requirement of the site and context description is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

Satisfactory subdivision site and context description

If the responsible authority decides that the site and context description is not satisfactory it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the site and context description meets the requirements of Clause 56.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

## 56.01-2

09/10/2006  
VC42

## Subdivision design response

The design response must explain how the proposed design:

- Derives from and responds to the site and context description.
- Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay.
- Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme.
- Meets the relevant objectives of Clause 56.

The design response must include a dimensioned plan to scale showing the layout of the subdivision in context with the surrounding area. If in the opinion of the responsible authority this requirement is not relevant to the assessment of an application, it may waive or reduce the requirement.

An application for subdivision of 60 or more lots must also include a plan that meets the requirements of Standard C2. The plan must also show the:

- Proposed uses of each part of the site.
- Natural features of the site and identify any features proposed to be altered.
- Proposed integrated water management system.
- Proposed staging of the subdivision.

## MORNINGTON PENINSULA PLANNING SCHEME

56.02

09/10/2006  
VC42

## POLICY IMPLEMENTATION

56.02-1

09/10/2006  
VC42

## Strategic implementation objective

To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.

## Standard C1

An application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme.

## MORNINGTON PENINSULA PLANNING SCHEME

## 56.03

19/09/2017  
VC132

## 56.03-1

09/10/2006  
VC42

## LIVEABLE AND SUSTAINABLE COMMUNITIES

## Compact and walkable neighbourhoods objectives

To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport.

To allow easy movement through and between neighbourhoods for all people.

## Standard C2

A subdivision should implement any relevant growth area or any approved and-use and development strategy plan or policy for the area set out in this scheme.

An application for subdivision must include a plan of the layout of the subdivision that:

- Meets the objectives (if relevant to the class of subdivisions specified in the zone) of:
  - Clause 56.03-2 Activity centres
  - Clause 56.03-3 Planning for community facilities
  - Clause 56.04-1 Lot diversity and distribution
  - Clause 56.06-2 Walking and cycling network
  - Clause 56.06-3 Public transport network
  - Clause 56.06-4 Neighbourhood street network
- Shows the 400 metre street walking distance around each existing or proposed bus stop, 600 metre street walking distance around each existing or proposed tram stop and 800 metre street walking distance around each existing or proposed railway station and shows the estimated number of dwellings within those distances.
- Shows the layout of the subdivision in relation to the surrounding area.
- Is designed to be accessible for people with disabilities.

## 56.03-2

09/10/2006  
VC42

## Activity centre objective

To provide for mixed-use activity centres including neighbourhood activity centres of appropriate area and location.

## Standard C3

A subdivision should implement any relevant activity centre strategy plan or policy for the area set out in this scheme.

Subdivisions should be supported by activity centres that are:

- Accessible by neighbourhood and regional walking and cycling networks.
- Served by public transport that is connected to the regional public transport network.
- Located at public transport interchange points for the convenience of passengers and easy connections between public transport services.
- Located on arterial roads or connector streets.
- Of appropriate size to accommodate a mix of uses that meet local community needs.
- Oriented to support active street frontages, support street-based community interaction and pedestrian safety.

## MORNINGTON PENINSULA PLANNING SCHEME

## 56.03-3

20/03/2023  
VC229

## Planning for community facilities objective

To provide appropriately located sites for community facilities including schools, libraries, preschools and childcare, health services, police and fire stations, recreation and sports facilities.

## Standard C4

A subdivisions should:

- Implement any relevant regional and local community facility strategy plan or policy for the area set out in this scheme.
- Locate community facilities on sites that are in or near activity centres and public transport.

School sites should:

- Be integrated with the neighbourhood and located near activity centres.
- Be located on walking and cycling networks.
- Have a bus stop located along the school site boundary.
- Have student drop-off zones, bus parking and on-street parking in addition to other street functions in abutting streets.
- Adjoin the public open space network and community sporting and other recreation facilities.
- Be integrated with community facilities.
- Be located on land that is not affected by physical, environmental or other constraints.

Schools should be accessible by the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.

Primary schools should be located on connector streets and not on arterial roads.

New State Government school sites must meet the requirements of the Department of Education and at least two streets with sufficient widths to provide student drop-off zones, bus parking and on-street parking in addition to other street functions.

## 56.03-4

09/10/2006  
VC42

## Built environment objective

To create urban places with identity and character

## Standard C5

The built environment should:

- Implement any relevant urban design strategy plan or policy for the area set out in this scheme.
- Provide living and working environments that are functional, safe and attractive.
- Provide an integrated layout, built form and urban landscape.
- Contribute to a sense of place and cultural identity.

An application should describe the identity and character to be achieved and the elements that contribute to that identity and character

## 56.03-5

09/10/2006  
VC42

## Neighbourhood character objective

To design subdivisions that respond to neighbourhood character

## Standard C6

Subdivisions should:

## MORNINGTON PENINSULA PLANNING SCHEME

- Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Respond and integrate with the surrounding urban environment.
- Protect significant vegetation and site features.

## MORNINGTON PENINSULA PLANNING SCHEME

## 56.04

09/10/2006  
VC42

## LOT DESIGN

## 56.04-1

09/10/2006  
VC42

## Lot diversity and distribution objectives

To achieve housing densities that support compact and walkable neighbourhood and the efficient provision of public transport services.

To provide higher housing densities within walking distance of activity centres.

To achieve increased housing densities in designated growth areas.

To provide a range of lot sizes to suit a variety of dwelling and household types.

## Standard C7

A subdivision should implement any relevant housing strategy plan or policy for the area set out in this scheme.

Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.

A range and mix of lot sizes should be provided including lots suitable for the development of:

- Singledwellings.
- Two dwellings or more.
- Higher density housing.
- Residential buildings and Retirement villages.

Unless the site is constrained by topography or other site conditions, lot distributions should provide for 95 per cent of dwellings to be located no more than 400 metres street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.

Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located and within 400 metres street walking distance of an activity centre.

## 56.04-2

09/10/2006  
VC42

## Lot area and building envelopes objective

To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easement and the retention of significant vegetation and site features.

## Standard C8

An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:

- That the lots are consistent or contain building envelopes that are consistent with a development approved under this scheme or
- That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.

Lots of between 300 square metres and 500 square metres should:

- Contain a building envelope that is consistent with a development of the lot approved under this scheme or



## MORNINGTON PENINSULA PLANNING SCHEME

- If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.

If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.

Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.

A building envelope may specify or incorporate any relevant siting and design requirements. Any requirements should meet the relevant standards of Clause 54, unless:

- The objectives of the relevant standards are met, and
- The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.

Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:

- The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and
- The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.

Lot dimensions and building envelopes should protect:

- Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.
- Existing or proposed easements on lots.
- Significant vegetation and site features.

56.04-3

09/10/2006  
VC42

Solar orientation of lots objective

To provide good solar orientation of lots and solar access for future dwellings.

Standard C9

Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.

Lots have appropriate solar orientation when:

- The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.
- Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.
- Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.

56.04-4

09/10/2006  
VC42

Street orientation objective

To provide a lot layout that contributes to community social interaction, personal safety and property security

## MORNINGTON PENINSULA PLANNING SCHEME

## Standard C10

Subdivisions should increase visibility and surveillance by:

- Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connect to streets and arterial roads.
- Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.
- Ensuring streets and houses look onto public open space and avoiding sides and rear of lots along public open space boundaries.
- Providing roads and streets along public open space boundaries.

56.04-5

09/10/2006  
VC42

## Common area objectives

To identify common areas and the purpose for which the area is commonly held.

To ensure the provision of common areas is appropriate and that necessary management arrangements are in place.

To maintain direct public access throughout the neighbourhood street network.

## Standard C11

An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:

- The common area to be owned by the body corporate including any streets and open space.
- The reasons why the area should be commonly held.
- Lots participating in the body corporate.
- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.

## MORNINGTON PENINSULA PLANNING SCHEME

56.05

01/10/2009  
VC58

## URBAN LANDSCAPE

56.05-1

09/10/2006  
VC42

## Integrated urban landscape objectives

To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.

To incorporate natural and cultural features in the design of streets and public open space where appropriate.

To protect and enhance native habitat and discourage the planting and spread of noxious weeds.

To provide for integrated water management systems and contribute to drinking water conservation.

## Standard C12

An application for subdivision that creates streets or public open spaces should be accompanied by a landscape design.

The landscape design should:

- Implement any relevant streetscape and landscape urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.
- Create attractive landscapes that visually emphasise streets and public open spaces.
- Respond to the site and context description for the site and surrounding area.
- Maintain significant vegetation where possible within an urban context.
- Take account of the physical features of the land including landform, soil and climate.
- Protect and enhance any significant natural and cultural features.
- Protect and link areas of significant local habitat where appropriate.
- Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space.
- Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.
- Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.
- Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.
- Provide for walking and cycling networks that link with community facilities.
- Provide appropriate pathways, signage, fencing, public lighting and street furniture.
- Create low maintenance, durable landscapes that are capable of a long life.
- The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.

56.05-2

01/10/2009  
VC58

## Public open space provision objectives

To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.

To provide a network of public open space that caters for a broad range of users.

To encourage healthy and active communities.

## MORNINGTON PENINSULA PLANNING SCHEME

To provide adequate and unencumbered land for public open space and integrate any encumbered land with the open space network.

To ensure and provide for public open space can be managed in an environmentally sustainable way and contribute to the development of sustainable neighbourhoods.

## Standard C13

The provision of public open spaces should:

- Implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme.
- Provide a network of well-distributed neighbourhood public open space that includes:
  - Local parks within 400 metres of a walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences.
  - Additional small local parks or public squares in activity centres and higher density residential areas.
  - Active open space of at least 8 hectares in area within 1 kilometre of 95 percent of all dwellings that is:
    - Suitably dimensioned and designed to provide for the intended use, buffer areas around sporting fields and passive open space
    - Sufficient to incorporate two football/cricket ovals
    - Appropriate for the intended use in terms of quality and orientation
    - Located on flat land (which can be cost effectively graded)
    - Located with access to, or making provision for, a recycled or sustainable water supply
    - Adjoin schools and other community facilities where practical
    - Designed to achieve sharing of space between sports.
  - Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings.

Public open spaces should:

- Be provided along foreshores, streams and permanent water bodies.
- Be linked to existing or proposed future public open spaces where appropriate.
- Be integrated with floodways and encumbered land that is accessible for public recreation.
- Be suitable for the intended use.
- Be of an area and dimension to allow easy adaptation to different uses in response to changing community active and passive recreation preferences.
- Maximise passive surveillance.
- Be integrated with urban water management systems, waterways and other water bodies.
- Incorporate natural and cultural features where appropriate.

## MORNINGTON PENINSULA PLANNING SCHEME

## 56.06

18/06/2010  
VC62

## ACCESS AND MOBILITY MANAGEMENT

## 56.06-1

18/06/2010  
VC62

## Integrated mobility objectives

To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.

To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles in an integrated manner

To contribute to reduced car dependence, improved energy efficiency, improved transport efficiency, reduced greenhouse gas emissions and reduced air pollution.

## Standard C14

An application for a subdivision must include a plan of the layout of the neighbourhood that meets the objectives of:

- Clause 56.06-2 Walking and cycling network.
- Clause 56.06-3 Public transport network.
- Clause 56.06-4 Neighbourhood street network.

## 56.06-2

09/10/2006  
VC42

## Walking and cycling network objectives

To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.

To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.

To reduce car use, greenhouse gas emissions and air pollution.

## Standard C15

The walking and cycling network should be designed to:

- Implement any relevant regional and local walking and cycling strategy plan or policy for the area set out in this scheme.
- Link to any existing pedestrian and cycling networks.
- Provide a few walkable distances to activity centres, community facilities, public transport stops and public open spaces.
- Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.
- Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreation by cycling.
- Ensure safe street and road crossings including the provision of traffic controls where required.
- Provide an appropriate level of priority for pedestrians and cyclists.
- Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.
- Be accessible to people with disabilities.

## 56.06-3

09/10/2006  
VC42

## Public transport network objectives

To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.

## MORNINGTON PENINSULA PLANNING SCHEME

To encourage maximum use of public transport.

## Standard C16

The public transport network should be designed to:

- Implement any relevant public transport strategy plan or policy for the area set out in this scheme.
- Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority.
- Provide for public transport links between activity centres and other locations that attract people using the Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne.
- Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide:
  - Safe and direct movement between activity centres without complicated turning manoeuvres.
  - Direct travel between neighbourhoods and neighbourhood activity centres.
  - A short and safe walk to a public transport stop from most dwellings.

56.06-4

14/05/2021  
VC198

## Neighbourhood street network objective

To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.

## Standard C17

The neighbourhood street network must:

- Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes.
- Provide clear physical distinctions between arterial roads and neighbourhood street types.
- Comply with the Head, Transport for Victoria's arterial road access management policies.
- Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.
- Provide safe and efficient access to activity centres for commercial and freight vehicles.
- Provide safe and efficient access to all lots for service and emergency vehicles.
- Provide safe movement for all vehicles.
- Incorporate any necessary traffic control measures and traffic management infrastructure.

The neighbourhood street network should be designed to:

- Implement any relevant transport strategy plan or policy for the area set out in this scheme.
- Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand.
- Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand.
- Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles.
- Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles.
- Provide an appropriate level of local traffic dispersal.

## MORNINGTON PENINSULA PLANNING SCHEME

- Indicate the appropriate street type.
- Provide a speed environment that is appropriate to the street type.
- Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).
- Encourage appropriate and safe pedestrian, cyclist and driver behaviour.
- Provide a safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.
- Minimise the provision of culs-de-sac.
- Provide for service and emergency vehicles to safely turn at the end of a dead-end street.
- Facilitate solar orientation of lots.
- Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees.
- Contribute to the area's character and identity.
- Take account of any identified significant features.

## 56.06-5

09/10/2006  
VC42

## Walking and cycling network detail objectives

To design and construct footpaths, shared paths and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.

To design footpaths to accommodate wheelchairs, prams, scooters and other footpath-bound vehicles.

## Standard C18

Footpaths, shared paths, cycle paths and cycle lanes should be designed to:

- Be part of a comprehensive design of the road or street reservation.
- Be continuous and connect.
- Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossover for access to lots.
- Accommodate projected user volumes and mix.
- Meet the requirements of Table C1.
- Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath-bound vehicles and cyclists, perform required drainage functions and are structurally sound.
- Provide appropriate signage.
- Be constructed to allow access to lots without damage to the footpath or shared path surfaces.
- Be constructed with a durable, non-skid surface.
- Be of a quality and durability to ensure:
  - Safe passage for pedestrians, cyclists, footpath-bound vehicles and vehicles.
  - Discharge of urban run-off.
  - Preservation of all-weather access.
  - Maintenance of a reasonable, comfortable riding quality.
  - A minimum 20 year life span.

## MORNINGTON PENINSULA PLANNING SCHEME

- Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.

## 56.06-6

09/10/2006  
VC42

## Public transport network detail objectives

To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.

To provide public transport stops that are accessible to people with disabilities.

## Standard C19

Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority.

Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.

The design of public transport stops should not impede the movement of pedestrians.

Bus and tram stops should have:

- Surveillance from streets and adjacent lots.
- Safe street crossing conditions for pedestrians and cyclists.

Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority.

- Continuous hard pavement from the footpath to the kerb.
- Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage.
- Appropriate signage.

Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.

## 56.06-7

15/09/2008  
VC49

## Neighbourhood street network detail objective

To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood streets system for all users.

## Standard C20

The design of streets and roads should:

- Meet the requirements of Table C1. Where the widths of access lanes, access places and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met.
- Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed.
- Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs.
- Have street geometry appropriate to the street type and function, the physical and characteristics and achieve a safe environment for all users.
- Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay.



## MORNINGTON PENINSULA PLANNING SCHEME

- Provide a safe environment for all street users applying speed control measures where appropriate.
- Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles.
- Provide a minimum 5 metre by 5 metre corners play at junctions with arterial roads and a minimum 3 metre by 3 metre corners play at other junctions unless site conditions justify a variation to achieve safe sight lines across corners.
- Ensure streets are of sufficient strength to:
  - Enable the carriage of vehicles.
  - Avoid damage by construction vehicles and equipment.
- Ensure street pavements are of sufficient quality and durability for the:
  - Safe passage of pedestrians, cyclists and vehicles.
  - Discharge of urban run-off.
  - Preservation of all-weather access and maintenance of a reasonable comfortable riding quality.
- Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority.
- Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span.
- Provide pavement edges, kerbs, channel and crossover details designed to:
  - Perform the required integrated water management functions.
  - Delineate the edge of the carriageway for all street users.
  - Provide efficient and comfortable access to abutting lots at appropriate locations.
  - Contribute to streetscape design.
- Provide for the safe and efficient collection of waste and recycling materials from lots.
- Be accessible to people with disabilities.
- Meet the requirements of Table C1. Where the widths of access lanes, access places and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and road authority must be met. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met.

A street detail plan should be prepared that shows, as appropriate:

- The street hierarchy and typical cross-section for all street types.
- Location of carriageway, pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices.
- Water sensitive urban design features.
- Location and species of proposed street trees and other vegetation.
- Location of existing vegetation to be retained and proposed treatment to ensure its health.
- Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.

## MORNINGTON PENINSULA PLANNING SCHEME

56.06-8

18/06/2010  
VC62

## Lot access objective

To provide for safe vehicle access between roads and lots.

## Standard C21

Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.

Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.

The design and construction of a crossover should meet the requirements of the relevant road authority.

## Table C1 Design of roads and neighbourhood streets

## Access Lane

A side or rear lane principally providing access to parking on lots with another street frontage.

Traffic volume <sup>1</sup>	300vpd
Target speed <sup>2</sup>	10kph
Carriageway width <sup>3</sup> & parking provision within street reservation	5.5m <sup>6</sup> wide with no parking spaces to be provided. Appropriately signed.
Verge width <sup>4</sup>	No verge required.
Kerbing <sup>5</sup>	
Footpath provision	None Carriageway designed as a shared zone and appropriately signed.
Cycle path provision	None

## Access Place

A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.

Traffic volume <sup>1</sup>	300vpd to 1000vpd
Target speed <sup>2</sup>	15kph
Carriageway width <sup>3</sup> & parking provision within street reservation	5.5m wide with 1 hard standing verge parking space per 2 lots. or 5.5m wide with parking on carriageway - one side. Appropriately signed.
Verge width <sup>4</sup>	7.5m minimum total width. For services provide a minimum of 3.5m on one side and a minimum of 2.5m on the other.

## MORNINGTON PENINSULA PLANNING SCHEME

Kerbing <sup>5</sup>	Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.
Footpath provision	Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed.  or  1.5m wide footpath offset a minimum distance of 1m from the kerb.
Cycle path provision	None

## Access Street - Level 1

A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

Traffic volume <sup>1</sup>	1000vpd to 2000vpd
Target speed <sup>2</sup>	30kph
Carriageway width <sup>3</sup> & parking provision within street reservation	5.5m wide with 1 hard standing verge parking space per 2 lots.
Verge width <sup>4</sup>	4m minimum each side
Kerbing <sup>5</sup>	Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.
Footpath provision	1.5m wide footpaths on both sides.  Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.  Be offset a minimum distance of 1m from the kerb.
Cycle path provision	Carriageway designed as a shared zone and appropriately signed.

## Access Street - Level 2

A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

Traffic volume <sup>1</sup>	2000vpd to 3000vpd
Target speed <sup>2</sup>	40kph
Carriageway width <sup>3</sup> & parking provision within street reservation	7m-7.5m wide with parking on both sides of carriageway
Verge width <sup>4</sup>	4.5m minimum each side
Kerbing <sup>5</sup>	Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.
Footpath provision	1.5m wide footpaths on both sides.  Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.

## MORNINGTON PENINSULA PLANNING SCHEME

	Be offset a minimum distance of 1m from the kerb.
Cycle path provision	Carriageway designed as a shared zone and appropriately signed.

## Connector Street - Level 1

A street that carries high volumes of traffic. It connects access places and access streets through and between neighbourhoods.

Traffic volume <sup>1</sup>	3000 vpd
Target speed <sup>2</sup>	50 kph <sup>7</sup> reduced to 40 kph at schools and 20 kph at pedestrian and cycle crossing points.
Carriageway width <sup>3</sup> , cycle lane provision, parking provision and bus stops within street reservation	<ul style="list-style-type: none"> <li>3.5m minimum lane width in each direction of travel.</li> <li>4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.</li> <li>For on-street cycling, increase the minimum clear carriageway in each direction by: <ul style="list-style-type: none"> <li>0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or</li> <li>1.5m where a trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway and there is a single lane in each direction separated by a raised trafficable median of at least 2.0m in width with mountable kerbs; or</li> <li>1.7m where a dedicated 1.7m wide bicycle lane is marked on the carriageway.</li> </ul> </li> <li>An additional dedicated parking lane or indented parking within the verge must be provided where street parking is required. A parking lane width of 2.3m is required where parallel parking is provided.</li> <li>Bus stops at the kerbside, not indented within the verge.</li> </ul>
Verge width <sup>4</sup>	4.5m minimum each side.
Kerbing <sup>5</sup>	Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.
Footpath provision	<ul style="list-style-type: none"> <li>1.5m wide footpaths on both sides.</li> <li>Footpath widened to a minimum 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.</li> <li>Footpaths offset a minimum distance of 1m from the kerb.</li> </ul>

## Connector Street - Level 2

A street that carries high volumes of traffic. It connects access places and access streets through and between neighbourhoods.

Traffic volume <sup>1</sup>	3,000 vpd to 7,000 vpd
Target speed <sup>2</sup>	60 kph <sup>8</sup> or 50km/h reduced to 40kph at schools.

## MORNINGTON PENINSULA PLANNING SCHEME

Carriageway width <sup>3</sup> , cycle lane provision, parking provision and bus stops within street reservation	<ul style="list-style-type: none"> <li>3.5m minimum lane width in each direction of travel.</li> <li>4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.</li> <li>7.0m minimum carriageway width in each direction of travel where there are two lanes in each direction separated by a non-trafficable central medium.</li> <li>8.0m minimum carriageway width at approaches to and departures from roundabouts and T-intersections where there are two lanes in each direction separated by a non-trafficable central medium.</li> <li>For on-street cycling, increase the minimum clear carriageway in each direction by: <ul style="list-style-type: none"> <li>0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or</li> <li>1.7m where a dedicated 1.7m wide dedicated bicycle lane is marked on the carriageway</li> <li>0.3m where there are two trafficable lanes in each direction separated by a non-trafficable central median and the carriageways are shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or</li> <li>0.5m where there are two trafficable lanes in each direction separated by a non-trafficable central median and a 1.7m wide dedicated bicycle lane is marked on the carriageway.</li> </ul> </li> <li>An additional dedicated parking lane or indented parking within the verge must be provided where street parking is required. A parking lane width of 2.3m is required where parallel parking is provided.</li> <li>Bus stops located at the kerbside, not indented within the verge.</li> </ul>
Verge width <sup>4</sup>	<ul style="list-style-type: none"> <li>6m minimum each side (plus central median).</li> </ul>
Kerbing <sup>5</sup>	<ul style="list-style-type: none"> <li>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</li> </ul>
Footpath and cycle path provision	<ul style="list-style-type: none"> <li>1.5m wide footpath on each side and 1.7m bicycle lanes on the carriageway; or</li> <li>2.5m wide shared foot and cycle path on both sides and no dedicated bicycle lanes marked on the carriageway.</li> <li>Footpaths widened to a minimum of 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.</li> <li>Footpaths or shared foot and cycle paths offset a minimum distance of 1m from the kerb.</li> </ul>
<b>Arterial Road</b>	
Traffic volume <sup>1</sup>	Greater than 7000vpd
Target speed <sup>2</sup>	Arterial road design as required by the relevant roads authority.
Carriageway width <sup>3</sup> & parking provision within street reservation	Arterial road design as required by the relevant roads authority.

## MORNINGTON PENINSULA PLANNING SCHEME

Verge width <sup>4</sup>	Arterial road design as required by the relevant roads authority.
Kerbing <sup>5</sup>	Arterial road design as required by the relevant roads authority.
Footpath & cycle path provision	3m wide shared path on each side or as otherwise required by the relevant roads authority.

## Key to Table C1

1. Indicative maximum traffic volume for 24-hour period. These volumes depend upon location. Generation rates may vary between existing and newly developing areas.
2. Target speeds the desired speed at which motorists should travel. This is not necessarily the design speed and is not greater than the marked legal speed limit.
3. Width is measured from kerb invert to kerb invert. Widening may be required at bends to allow for wider vehicle paths using appropriate Australian Standards for on street and off-street parking but should not negate the function of bends serving as slow points.
4. Verge width includes footpaths. Additional width may be required to accommodate a bicycle path.
5. Where drainage is not required a flush pavement edge treatment can be used. Layback kerbs are preferred for safety reasons. Upright kerbs may be considered for drainage purposes or in locations where on-street parking should be clearly defined and parking within the verge is not desired.
6. Turning requirements to access and egress parking on abutting lots may require additional carriageway width. The recommended carriageway width of 5.5m will provide adequate access to a standard 3.5m wide single garage built to the property line.
7. 50kph is the default urban speed limit in Victoria.
8. Target speed must not exceed the legal speed limit.

## MORNINGTON PENINSULA PLANNING SCHEME

56.07

29/10/2015  
VC101

## INTEGRATED WATER MANAGEMENT

56.07-1

09/10/2006  
VC42

## Drinking water supply objectives

To reduce the use of drinking water

To provide an adequate cost-effective supply of drinking water

Standard C22

The supply of drinking water must be:

- Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority
- Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority

56.07-2

20/03/2023  
VC229

## Reused and recycled water objective

To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water

Standard C23

Reused and recycled water supply systems must be:

- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health.
- Provided to the boundary of all lots in the subdivision where required by the relevant water authority

56.07-3

01/07/2021  
VC203

## Waste water management objective

To provide a wastewater system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner

Standard C24

Wastewater systems must be:

- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.
- Consistent with a domestic wastewater management plan adopted by the relevant council.

Reticulated wastewater systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority

56.07-4

26/10/2018  
VC154

## Stormwater management objectives

To minimise damage to properties and inconvenience to residents from stormwater

To ensure that the street operates adequately during major storm events and provides for public safety

To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater

To encourage stormwater management that maximises the retention and reuse of stormwater

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

## MORNINGTON PENINSULA PLANNING SCHEME

## Standard C25

The stormwater management system must be:

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater- Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management systems should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria  $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$  (where,  $d_a$  = average depth in metres and  $V_{ave}$  = average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.



## MORNINGTON PENINSULA PLANNING SCHEME

56.08

09/10/2006  
VC42

## SITE MANAGEMENT

56.08-1

09/10/2006  
VC42

## Site management objectives

To protect drainage infrastructure and receiving waters from sedimentation and contamination.

To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.

To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.

## Standard C26

A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Erosion and sediment.
- Dust.
- Run-off.
- Litter, concrete and other construction wastes.
- Chemical contamination.
- Vegetation and natural features planned for retention.

Recycled materials should be used for the construction of streets, share paths and other infrastructure where practicable.

## MORNINGTON PENINSULA PLANNING SCHEME

56.09

22/08/2014  
VC118

## UTILITIES

56.09-1

22/08/2014  
VC118

## Shared trenching objectives

To maximise the opportunities for shared trenching.

To minimise constraint on landscaping within street reserves.

## Standard C27

Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.

56.09-2

01/01/2024  
VC250

## Electricity and telecommunications objectives

To provide public utilities to each lot in a timely, efficient and cost effective manner

To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.

## Standard C28

The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority

Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.

The telecommunications system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy policy or plan for the provision of advanced telecommunications infrastructure including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.

56.09-3

15/09/2008  
VC49

## Fire hydrants objective

To provide fire hydrants and fire plugs in positions that enable fire fighters to access waters safely, effectively and efficiently.

## Standard C29

Fire hydrants should be provided:

- A maximum distance of 120 metres from the rear of the each lot.
- No more than 200 metres apart.

Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority

56.09-4

09/10/2006  
VC42

## Public lighting objective

To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.

To provide pedestrians with a sense of personal safety at night.

To contribute to reducing greenhouse gas emissions and to saving energy.

## Standard C30

Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.

## MORNINGTON PENINSULA PLANNING SCHEME

Public lighting should be designed in accordance with the relevant Australian Standards.

Public lighting should be consistent with any strategy policy or plan for the use of renewable energy and energy efficient fittings.

MORNINGTON PENINSULA PLANNING SCHEME

57

31/07/2018  
VC148

[NO CONTENT]

## MORNINGTON PENINSULA PLANNING SCHEME

58

04/10/2018  
VC149

## APARTMENT DEVELOPMENTS

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage apartment development that provides reasonable standards of amenity for existing and new residents.

To encourage apartment development that is responsive to the site and the surrounding area.

## Application

Provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development if:

- The apartment development is five or more storeys excluding a basement and is in the General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone, or
- The apartment development is in the Commercial 1 Zone, Commercial 3 Zone, Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone.

## Operation

The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

## Requirements

A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies.

For Clause 58.04-1 (Building setback):

- If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.
- If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out in Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.

## MORNINGTON PENINSULA PLANNING SCHEME

58.01

16/01/2018  
VC142

## URBAN CONTEXT REPORT AND DESIGN RESPONSE

58.01-1

13/04/2017  
VC136

## Application requirements

An application must be accompanied by:

- An urban context report.
- A design response.

58.01-2

16/01/2018  
VC142

## Urban context report

The urban context report may use a site plan, photograph or other techniques and must include:

An accurate description of:

- Site shape, size, orientation and easements.
- Levels and contours of the site and the difference in levels between the site and surrounding properties.
- The location and height of existing buildings on the site and surrounding properties.
- The use of surrounding buildings.
- The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.
- Solar access to the site and to surrounding properties.
- Views to and from the site.
- Street frontage features such as poles, street trees and kerb crossings.
- The location of local shops, public transport services and public open spaces within walking distance.
- Movement system through and around the site.
- Any other notable feature or characteristic of the site.

An assessment of the characteristics of the area including:

- Any environmental features such as vegetation, topography and significant views.
- The pattern of subdivision.
- Street design and landscape.
- The pattern of development.
- Building form, scale and rhythm.
- Connection to the public realm.
- Architectural style, building details and materials.
- Off-site noise sources.
- The relevant NatHERS climate zones (as identified in Clause 58.03-1).
- Social and economic activity.
- Any other notable or cultural characteristics of the area.

Satisfactory urban context report

If the responsible authority decides that the urban context report is not satisfactory it may require more information from the applicant under Section 54 of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the urban context report meets the requirements of Clause 58.01-2 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

## 58.01-3

20/12/2021  
VC174

## Design response

The design response must explain how the proposed design:

- Responds to any relevant planning provision that applies to the land.
- Meets the objectives of Clause 58.
- Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.
- Selects materials and finishes for the external walls.
- Derives from and responds to the urban context report.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

## MORNINGTON PENINSULA PLANNING SCHEME

## 58.02

31/07/2018  
VC148

## URBAN CONTEXT

## 58.02-1

13/04/2017  
VC136

## Urban context objectives

To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.

To ensure that development responds to the features of the site and the surrounding area.

## Standard D1

The design response must be appropriate to the urban context and the site.

The proposed design must respect the existing or preferred urban context and respond to the features of the site.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

## 58.02-2

31/07/2018  
VC148

## Residential policy objectives

To ensure that residential developments provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support higher density residential development where development can take advantage of public and community infrastructure and services.

## Standard D2

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the developments consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

## 58.02-3

13/04/2017  
VC136

## Dwelling diversity objective

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

## Standard D3

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

## 58.02-4

01/01/2024  
VC250

## Infrastructure objectives

To ensure developments provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.



## MORNINGTON PENINSULA PLANNING SCHEME

## Standard D4

Developments should be connected to reticulated services including reticulated sewerage, drainage and electricity, if available.

Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage a Land Capability Assessment on the risks to human health and the environment of a non-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- If the drainage system has little or no spare capacity the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

58.02-5

20/12/2021  
VC174

## Integration with the street objective

To integrate the layout of development with the street.

To support development that activates street frontage.

## Standard D5

Developments should be oriented to front existing and proposed streets.

Along street frontage, developments should:

- Incorporate pedestrian entries, windows, balconies or other active spaces.
- Limit blank walls.
- Limit high front fencing, unless consistent with the existing urban context.
- Provide low and visually permeable front fences, where proposed.
- Conceal car parking and internal waste collection areas from the street.

Development next to existing public open spaces should be designed to complement the open space and facilitate passive surveillance.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

## MORNINGTON PENINSULA PLANNING SCHEME

58.03

31/07/2018  
VC148

58.03-1

14/12/2023  
VC253

## SITE LAYOUT

## Energy efficiency objectives

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency

Standard D6

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open spaces should be located on the north side of the development if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table D1 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.

## MORNINGTON PENINSULA PLANNING SCHEME

## 58.03-2

14/12/2023  
VC253

## Communal open space objective

To provide communal open space that meets the recreation and amenity needs of residents.

To ensure that communal open space is accessible, practical, attractive, easily maintained.

To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.

## Standard D7

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.

Each area of communal open space should be:

- Accessible to all residents.
- A useable size, shape and dimension.
- Capable of efficient management.
- Located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings and existing small second dwellings.

Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The availability of and access to public open space.

## 58.03-3

13/04/2017  
VC136

## Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

## Standard D8

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 percent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.

## MORNINGTON PENINSULA PLANNING SCHEME

- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

## 58.03-4

13/04/2017  
VC136

## Safety objective

To ensure the layout of development provides for the safety and security of residents and property

## Standard D9

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of carparks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

## Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

## 58.03-5

15/03/2024  
VC256

## Landscaping objectives

To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.

To preserve existing canopy cover and support the provision of new canopy cover

To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.

## Standard D10

Developments should retain existing trees and canopy cover

Developments should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Developments should:

- Provide the canopy cover and deep soil area as specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.
- Provide canopy cover through canopy trees that are:
  - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.
  - Consistent with the canopy diameter and height at maturity specified in Table D4.
  - Located in communal outdoor open space or common areas or street frontages.
- Comprise small trees, shrubs and groundcover, including flowering native species.
- Include landscaping such as climbing plants or smaller plants in planters in the street frontage and in outdoor areas including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water
- Protect any predominant landscape features of the area.

## MORNINGTON PENINSULA PLANNING SCHEME

- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table D2 Canopy cover and deep soil requirements

Site area	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 - 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2501 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table D3 Soil requirements for trees

Tree type	Tree in deep soil Area of deep soil	Tree in planter Volume of planter soil	Depth of planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension of 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

Note: When multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.

Table D4 Tree type

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

## MORNINGTON PENINSULA PLANNING SCHEME

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character, landscaping or environmental policy, objective, strategy or statement set out in this planning scheme.
- The design response.
- The health of any trees to be removed.
- The suitability of the proposed location, deep soil area and planter volume for canopy trees.
- The suitability of the proposed landscaping in communal outdoor open space.
- The type and quantity of canopy cover, including any alternatives to trees.
- The soil type and drainage patterns of the site.
- The ongoing management of landscaping including any irrigation systems.

58.03-6

20/12/2021  
VC174

## Access objective

To ensure that vehicle crossovers are redesigned and located to provide safe access for pedestrians, cyclists and other vehicles.

To ensure the vehicle crossovers are redesigned and located to minimise visual impact.

## Standard D11

Vehicle crossovers should be minimised.

Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.

Pedestrian and cyclist access should be clearly delineated from vehicle access.

The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.

Developments must provide for access for service, emergency and delivery vehicles.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the street.
- The impact on the safety of pedestrians or cyclists.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and road reserve.

58.03-7

13/04/2017  
VC136

## Parking location objectives

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

## Standard D12

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

## MORNINGTON PENINSULA PLANNING SCHEME

Shared access way or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

58.03-8

26/10/2018  
VC154

Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard D13

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply where available from the water authority.

The stormwater management systems should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surface tree pits and treatment areas.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

## MORNINGTON PENINSULA PLANNING SCHEME

58.04

13/04/2017  
VC136

58.04-1

14/12/2023  
VC253

## AMENITY IMPACTS

## Building setback objectives

To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.

To allow adequate daylight into new dwellings.

To limit views into habitable room windows and private open space of new and existing dwellings.

To provide a reasonable outlook from new dwellings and existing small second dwellings.

To ensure the building setback provides appropriate internal amenity to meet the needs of residents.

## Standard D14

The built form of the development must respect the existing or preferred urban context and respond to the features of the site.

Buildings should be setback from side and rear boundaries and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings and existing small second dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.

## Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- The purpose of the zone and/or overlay that applies to the land.
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.
- The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways.
- The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.
- The impact of overlooking on the amenity of existing and proposed dwellings and existing small second dwellings.
- The existing extent of overlooking into existing dwellings or small second dwellings and private open space.
- Whether the development meets the objectives of Clause 58.

58.04-2

13/04/2017  
VC136

## Internal views objective

To limit views into the private open space and habitable room windows of dwellings within a development.

## Standard D15

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.



## MORNINGTON PENINSULA PLANNING SCHEME

## Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

58.04-3

14/12/2023  
VC253

## Noise impacts objectives

To contain noise sources in developments that may affect existing dwellings or small second dwellings.

To protect residents from external and internal noise sources.

## Standard D16

Noise sources such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area as specified in Table D5 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms assessed as LAeq, 8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas assessed as LAeq, 16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D5 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.

## MORNINGTON PENINSULA PLANNING SCHEME

- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling or small second dwelling and the site context.

58.04-4

04/05/2022  
VC210

## Wind impacts objective

To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.

## Standard D17

Development of five or more storeys, excluding a basement, should:

- not cause an unsafe wind condition specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and
- achieve a comfortable wind condition specified in Table D6 in public land and publicly accessible areas on private land

within a distance of half the greatest length of the building, or half the total height of the building measured outward on the horizontal plane from the ground floor building façade, whichever is greater

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements such as awnings and screens should be located within the site boundary unless consistent with the existing urban context or preferred future development of the area.

Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none"> <li>▪ 3 metres per second for sitting areas,</li> <li>▪ 4 metres per second for standing areas,</li> <li>▪ 5 metres per second for walking areas.</li> </ul>

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The urban context report.
- The design response.

## MORNINGTON PENINSULA PLANNING SCHEME

- The safety functionality and amenity of public, private and communal open space areas.
- Whether it has been demonstrated by a suitably qualified specialist that the development will not generate unacceptable wind impacts within the site or on surrounding land.

## MORNINGTON PENINSULA PLANNING SCHEME

58.05

13/04/2017  
VC136

58.05-1

04/05/2022  
VC210

## ON-SITE AMENITY AND FACILITIES

## Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

## Standard D18

At least 50 percent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.

Table D7 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: <ul style="list-style-type: none"> <li>▪ A slide door, or</li> <li>▪ A door that opens outwards, or</li> <li>▪ A door that opens inwards that is clear of the circulation area and has readily removable hinges.</li> </ul>	Either: <ul style="list-style-type: none"> <li>▪ A slide door, or</li> <li>▪ A door that opens outwards, or</li> <li>▪ A door that opens inwards and has readily removable hinges.</li> </ul>
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> <li>▪ A minimum area of 1.2 metres by 1.2 metres.</li> <li>▪ Located in front of the shower and the toilet.</li> <li>▪ Clear of the toilet, basin and the door swing.</li> </ul> The circulation area for the toilet and shower can overlap.	A clear circulation area that is: <ul style="list-style-type: none"> <li>▪ A minimum width of 1 metre.</li> <li>▪ The full length of the bathroom and a minimum length of 2.7 metres.</li> <li>▪ Clear of the toilet and basin.</li> </ul> The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

58.05-2

04/05/2022  
VC210

## Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

## MORNINGTON PENINSULA PLANNING SCHEME

## Standard D19

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sightlines.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal common areas based on daylight access and the natural ventilation it will receive.

58.05-3

04/05/2022  
VC210

## Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

## Standard D20

A dwelling should have private open space consisting of at least one of the following:

- An area at ground level of at least 25 square metres with a minimum dimension of 3 metres and convenient access from a living room.
- A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
- An area on a podium or other similar base of at least 15 square metres with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a roof of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

## MORNINGTON PENINSULA PLANNING SCHEME

Table D8 Balcony size

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 30 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 or more bedroom dwelling	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom dwelling	8 square metres
2 bedroom dwelling	8 square metres
3 or more bedroom dwelling	12 square metres

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and functionality of the private open space including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, noise exposure, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.
- The useability and functionality of any additional living area or bedroom area, including its size and layout.

58.05-4  
04/05/2022  
VC210

## Storage objective

To provide adequate storage facilities for each dwelling.

## Standard D21

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Table D10 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres

## MORNINGTON PENINSULA PLANNING SCHEME

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

## MORNINGTON PENINSULA PLANNING SCHEME

## 58.06

13/04/2017  
VC136

## DETAILED DESIGN

## 58.06-1

04/05/2022  
VC210

## Common property objectives

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

## Standard D22

Developments should clearly delineate public, communal and private areas.

Common property where provided, should be functional and capable of efficient management.

## 58.06-2

04/05/2022  
VC210

## Site services objectives

To ensure that site services are accessible and can be installed and maintained.

To ensure that site services and facilities are visually integrated into the building design or landscape.

## Standard D23

Developments should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically

Meters and utility services should be designed as an integrated component of the building or landscape.

Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.

## Decision guideline

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

## 58.06-3

04/05/2022  
VC210

## Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impact on residential amenity, health and the public realm.

## Standard D24

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.



## MORNINGTON PENINSULA PLANNING SCHEME

- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

58.06-4

04/05/2022  
VC210

## External walls and materials objective

To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.

To ensure external walls endure and retain their attractiveness.

## Standard D25

External walls should be finished with material that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall design should facilitate safe and convenient access for maintenance.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant building design and urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

## MORNINGTON PENINSULA PLANNING SCHEME

58.07

13/04/2017  
VC136

58.07-1

04/05/2022  
VC210

## INTERNAL AMENITY

## Functional layout objective

To ensure dwellings provide functional areas that meet the needs of residents.

Standard D26

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table D11.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table D11 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.

Table D12 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The usability, functionality and amenity of habitable rooms.

58.07-2

04/05/2022  
VC210

## Room depth objective

To allow adequate daylight into single aspect habitable rooms.

Standard D27

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

## MORNINGTON PENINSULA PLANNING SCHEME

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

## 58.07-3

04/05/2022  
VC210

## Windows objective

To allow adequate daylight into new habitable room windows.

## Standard D28

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

## 58.07-4

04/05/2022  
VC210

## Natural ventilation objectives

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

## Standard D29

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site.

## MORNINGTON PENINSULA PLANNING SCHEME

- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

MORNINGTON PENINSULA PLANNING SCHEME

59

31/07/2018  
VC148

VICSMART APPLICATIONS AND REQUIREMENTS

## MORNINGTON PENINSULA PLANNING SCHEME

59.01

31/07/2018  
VC148

59.01-1

01/07/2021  
VC203

## REALIGN THE COMMON BOUNDARY BETWEEN TWO LOTS

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking area, driveways, storage areas, loading areas and private open space.
  - The location of any easement on the subject land.
  - The location of the approved stormwater discharge point.
  - The location and details of any significant vegetation.
  - The location of any street trees, poles, pits or other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any abutting roads.
  - The location of the existing and proposed common boundary between the lots and the proposed size and shape of the realigned lots.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.
- If the land is in more than one ownership, the consent of the owners of the land.
- If common property is proposed, an explanation of why the common property is required.
- A written statement that describes:
  - The existing use of the land and its possible future development.
  - The reason for the realignment of the common boundary
  - For land in an overlay, how the proposal responds to any statement of significance objectives or requirements specified in the schedule to the overlay
- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a Land Capability Assessment which demonstrates that each lot is capable of treating and retaining all wastewater and the risks to human health and the environment of a on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, information that shows that the vacant lot meets the requirements of Standard C8 of Clause 56.

59.01-2

31/07/2018  
VC148

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Respond and integrate with the surrounding urban or rural environment.
  - Protect significant vegetation.

## MORNINGTON PENINSULA PLANNING SCHEME

- Appropriately accommodate any existing or proposed easement on the lots.
  - Protect solar access for existing and any future dwellings on the lots.
  - Appropriately accommodate any existing waste storage areas, loading bays and vehicle standing areas on the site.
  - Appropriately accommodate private open space.
  - Appropriately accommodate the provision of utility services to each lot.
  - If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
  - Appropriately accommodate the siting of buildings having regard to the risk of spread of fire.
  - Appropriately accommodate the existing use and possible future development of the land.
- Whether the provision of common property is appropriate for the purpose for which the land is to be commonly held.
  - If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, the objective and standard of Clause 56.04-2.
  - The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
  - Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.

## MORNINGTON PENINSULA PLANNING SCHEME

## 59.02

31/07/2018  
VC148

## 59.02-1

01/07/2021  
VC203

## SUBDIVISION OF BUILDINGS AND CAR PARKING SPACES

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A copy of the relevant planning permit and approved plans for the development.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking areas and private open space.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easement on the subject land.
  - The location and detail of any significant vegetation.
  - The location of the approved stormwater discharge point.
  - Any abutting roads.
  - The location of any street trees, poles, pits and other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any loading bays and vehicle standing areas.
  - Any waste storage areas.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.
- For the subdivision of existing buildings and car parking spaces a copy of the occupancy permit or a certificate of final inspection for the development.
- For the subdivision of land into two lots with an approved development currently under construction evidence that the construction has commenced.
- If common property is proposed an explanation of why the common property is required.
- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a Land Capability Assessment which demonstrates that each lot is capable of treating and retaining all wastewater and managing the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- For land in an overlay a written statement that describes how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.

## 59.02-2

31/07/2018  
VC148

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Are consistent with the approved plans and conditions of any relevant planning permit for the development.
  - Are consistent with the layout of existing buildings and car parking spaces on the land.
  - Appropriately accommodate any existing waste storage areas.



## MORNINGTON PENINSULA PLANNING SCHEME

- Appropriately accommodate any existing loading bay and vehicle storage area.
- Appropriately accommodate significant vegetation.
- Appropriately accommodate existing or proposed easements on the lots.
- Appropriately accommodate the provision of utility services to each lot.
- Appropriately accommodate the siting of buildings having regard to safety and the risk of spread of fire.
- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
- For the subdivision of existing buildings and car parking spaces whether each new lot, other than common property contains an existing building, part of an existing building or a car parking space.
- Whether the provision and location of common property is appropriate for the purpose for which the land is to be commonly held.
- Whether any public open space contribution is required under Clause 53.01 of this scheme or under Section 18 of the Subdivision Act 1988
- The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay

## MORNINGTON PENINSULA PLANNING SCHEME

## 59.03

31/07/2018  
VC148

## FRONT FENCE IN A RESIDENTIAL ZONE

## 59.03-1

31/07/2018  
VC148

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of the title for the subject land and a copy of any registered restrictive covenant.
- A plan drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, length, height and design of the proposed fence including details of materials.
  - The location, height and design of any existing front fence on adjoining and nearby properties including details of materials.
- A photograph of the site and adjoining and nearby properties along the street frontage.
- The reason for the proposed height.

## 59.03-2

31/07/2018  
VC148

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Whether the setback, height and design of the proposed fence are:
  - Appropriate to the neighbourhood character and the site.
  - Consistent with any relevant neighbourhood character objective or policy set out in the scheme.
  - Appropriate with the setback, height and appearance of front fences on adjoining and nearby properties.
  - Complement the design of the dwelling.
- The extent to which slope and retaining walls reduce the effective height of the proposed fence.
- Whether the proposed fence is needed to minimise noise intrusion.
- The reason for the proposed height.

## MORNINGTON PENINSULA PLANNING SCHEME

## 59.04

31/07/2018  
VC148

## 59.04-1

31/07/2018  
VC148

## BUILDINGS AND WORKS IN A ZONE (EXCEPT A RURAL ZONE)

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A description of the use of the land and the proposed buildings and works.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Relevant ground levels.
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - All existing and proposed driveways, car parking, bicycle parking and loading areas.
  - Existing and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easement and services.
- Elevation drawings to scale showing the height, colour and material of all proposed buildings and works.
- A photograph of the building or area affected by the proposal.
- A written statement describing the proposal and if relevant:
  - The built form and character of adjoining and nearby buildings.
  - The heritage character of any adjoining heritage places.
  - Ground floor street frontages including visual impacts and pedestrian safety
- A written statement describing whether the proposed buildings and works meet:
  - The number of car parking spaces required under Clause 52.06 or in the schedule to Clause 45.09.
  - Any development requirements specified in the zone or the schedule to the zone.
- Any relevant requirement in an approved development plan or incorporated plan for the land.
- Any other information specified in the schedule to the zone.
- For land in a residential zone, a written statement plan or diagram showing how the proposal meets:
  - The requirements in the following standards of Clause 54:
    - A10 Side and rear setbacks.
    - A11 Walls on boundaries.
    - A12 Daylight to existing windows.
    - A13 North-facing windows.
    - A14 Overshadowing open space.

## MORNINGTON PENINSULA PLANNING SCHEME

- A15 Overlooking.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard the schedule to the zone applies.

## 59.04-2

31/07/2018  
VC148

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Whether the proposal is consistent with any relevant urban design and built form policy set out in the scheme.
- Whether the movement of pedestrians and cyclists, and vehicles providing for supplies and waste removal are appropriately accommodated.
- Whether the design complements the built form of the surrounding properties and the streetscape, including the conservation of buildings, the design of verandahs access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- Whether the land and building have availability of and connection to services.
- Whether the proposed development adversely impacts the amenity of the land and the locality including existing dwellings on adjoining sites.
- Whether the proposed development appropriately provides for landscaping.
- Whether the proposed development adversely affects solar access to existing open spaces and public places.
- Whether the proposal meets the car parking requirements specified in Clause 52.06 or in the schedule to the Parking Overlay
- Whether the proposal meets the maximum building heights specified in the schedule to the zone.
- Whether the proposal meets any relevant requirements specified in the zone or the schedule to the zone.
- Whether the proposals are consistent with any relevant approved development plan or incorporated plan.
- The objectives set out in the schedule to the zone.
- Whether the proposal provides adequate vehicle loading and unloading facilities.
- For land in a residential zone:
  - Whether the proposed development is consistent with any neighbourhood character objectives set out in the schedule to the zone.
  - Whether the development is compatible with residential use.
  - The scale and intensity of the development.
  - The design, height, setback and appearance of the proposed buildings and works.

## MORNINGTON PENINSULA PLANNING SCHEME

59.05

31/07/2018  
VC148

59.05-1

14/12/2023  
VC253

## BUILDINGS AND WORKS IN AN OVERLAY

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, height and design of the proposed buildings and works including detail of materials.
  - The location of any existing buildings, including fences and trees.
  - For land in a Neighbourhood Character Overlay, any buildings proposed to be demolished.
- For land in a Significant Landscape Overlay a written description of the proposal including:
  - How the proposal responds to the landscape significance and objectives specified in a schedule to the overlay
  - The impact of the proposed buildings and works on the significance of the landscape.
- For land in a Neighbourhood Character Overlay a written description of the proposal including:
  - The built form and character of adjoining and nearby buildings.
  - How the proposal responds to the key features and objectives specified in the schedule to the overlay
  - If demolition is proposed the reason for the demolition.
  - How the proposal meets the requirements of Clauses 54.02-1, 54.02-2, 54.03-1, 54.03-2, 54.03-3, 54.03-4, 54.04-1, 54.04-2, 54.04-3, 54.04-4, 54.06-1, 54.06-2 including any Clause 54 modifications specified in the schedule to the overlay
- For land in a Design and Development Overlay a written description of the proposal including:
  - How the proposal responds to the design objectives specified in a schedule to the overlay
  - How the proposal meets the requirements specified in a schedule to the overlay
  - The built form and character of adjoining and nearby buildings.
- A photograph of the building or area affected by the proposal.
- For land in an Erosion Management Overlay information showing:
  - The extent of any proposed earthworks.
  - The means proposed to stabilise disturbed areas.
- For an application under the Salinity Management Overlay, written advice including plan reference and any conditions from the referral authority demonstrating that the referral authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

59.05-2

31/07/2018  
VC148

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the buildings and works will adversely affect that significance or the objectives.

## MORNINGTON PENINSULA PLANNING SCHEME

- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay
- For an application in a Salinity Management Overlay, any comments from the relevant referral authority
- For an application in a Neighbourhood Character Overlay, the relevant objectives, standards and decision guidelines of Clause 54.
- Any relevant decision guidelines specified in the overlay and the schedule to the overlay

## MORNINGTON PENINSULA PLANNING SCHEME

## 59.06

20/03/2023  
VC229

## 59.06-1

31/07/2018  
VC148

## REMOVE, DESTROY OR LOP ONE TREE

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- If the tree to be removed, destroyed or lopped is identified as a significant tree in a schedule to the overlay, a report prepared by an arborist.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape, size and slope of the site.
  - The location of the tree to be removed, destroyed or lopped.
  - The location and type of other significant vegetation on the site.
  - The location, species and height of any significant trees on the site that have been removed or approved to be removed in the past 3 years.
- A written statement that describes:
  - The species, height and trunk girth of the tree to be removed, destroyed or lopped.
  - The reason the tree is to be removed, destroyed or lopped.
  - If provision is to be made to replace the tree elsewhere on the land.
  - If the tree is to be lopped, the extent of lopping proposed.
  - Any impacts on the significance of the area.
- A photograph of the tree to be removed, destroyed or lopped.

## 59.06-2

31/07/2018  
VC148

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the proposal will adversely affect that significance or the objectives.
- Whether the tree proposed to be removed, destroyed or lopped contributes to the significance of the area and whether the proposal will adversely affect that significance.
- Whether the removal or lopping of the tree is needed because of the health of the tree.
- Whether the lopping of the tree will adversely affect the health, appearance or significance of the tree.
- Whether the removal of the tree will contribute to soil erosion, slippage or salinisation.
- Whether the removal or lopping of the tree is needed to create a defensible space to reduce the risk of bushfire to life and property.
- If the tree is a native tree, its role in conserving flora and fauna and whether the proposal will adversely affect the conservation of flora and fauna of the area.
- Whether provision is made to plant a new tree elsewhere on the land.
- The reasons for removing the tree including the health of the tree to be removed.
- The cumulative impact of the number of trees that have been removed or been approved for removal in the past 3 years.
- Any relevant decision guidelines specified in the overlay or the schedule to the overlay.

## MORNINGTON PENINSULA PLANNING SCHEME

## 59.07

31/07/2018  
VC148

## 59.07-1

04/11/2022  
VC226

## APPLICATIONS UNDER A HERITAGE OVERLAY

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, including fences and trees.
  - The location, height and design of the proposed building or works including details of proposed materials.
  - Any buildings to be demolished.
  - An elevation of the proposed building.
  - The size and design of any proposed sign, including details of the supporting structure and any proposed illumination.
  - The location, style, size, colour and materials of any proposed solar energy system (that is visible from the street frontage or any nearby public park), including details of the supporting structure.
- A written description of the proposal including:
  - Any impacts on the significance of the heritage place.
  - How the proposal responds to any relevant local heritage policy set out in the planning scheme.
  - If lopping of a tree is proposed the reason for the lopping, the extent of lopping and an arborist report.
- The proposed colour schedule and nature of any materials and finishes.
- A photograph of the area affected by the proposal including any building, outbuilding, fence or tree which may be affected by the proposal.
- A photograph of the subject site and adjoining properties along the street frontage.
- If subdivision is proposed the location, shape and size of the proposed lots to be created.
- If a sign is proposed:
  - The location, size and design of the proposed sign on the site or building.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.
- If a solar energy system is proposed that is visible from a street (other than a lane) or public park, measures proposed to minimise the visibility of the system and protect the structural integrity of heritage features.

## 59.07-2

04/11/2022  
VC226

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

## General

- The significance of the heritage place and whether the proposal will adversely affect that significance.



## MORNINGTON PENINSULA PLANNING SCHEME

- Any applicable statement of significance, heritage study and any applicable conservation policy.
- Whether the proposal will adversely affect the character or appearance of the building or heritage place.
- Any relevant local heritage policy set out in the planning scheme.

## Demolition

- Whether the outbuilding to be demolished contributes to the significance, character or appearance of the building or heritage place.

## Buildings and works

- Whether the location, bulk, form and appearance of the proposed building or works will adversely affect the significance of the building or heritage place.
- Whether the proposed building or works will affect the health or appearance of a tree which is the subject of a Heritage Overlay

## Alterations

- Whether the proposed alterations will restore or reconstruct original fabric which has been removed or damaged.
- Whether the proposed alterations will adversely affect the significance, character and appearance of the heritage place.

## Fences

- Whether the fence proposed to be demolished contributes to the significance, character and appearance of the building or heritage place.
- Whether the proposed fence, including its style, height and materials, is appropriate to the building or heritage place.

## Trees

- Whether the proposed topping will adversely affect the health, appearance or significance of the tree.

## Subdivision

- Whether the proposed subdivision retains the significant setting (landscape, landscape features and views) of the heritage place.
- Whether the proposed subdivision respects the rhythm and spacing of buildings in the streetscape.
- Whether the proposed subdivision will result in a new boundary fence, wall or structure that adversely affects the setting of the heritage place.

## Signage

- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.

## Solar energy systems

- Any relevant building design or energy policy set out in the Planning Policy Framework.
- Whether the proposed solar energy system can be sited to minimise visibility from a street or public park without significantly impacting its performance.
- Whether the proposed solar energy system can be designed to minimise the impact on the significance, character or appearance of the heritage place.

## MORNINGTON PENINSULA PLANNING SCHEME

## 59.08

31/07/2018  
VC148

## APPLICATIONS UNDER A SPECIAL BUILDING OVERLAY

## 59.08-1

31/07/2018  
VC148

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - The layout, size and use of existing and proposed buildings and works, including floor plan layout and vehicle parking areas.
  - Setbacks between existing and proposed buildings and site boundaries.
  - Natural surface levels of the site to Australian Height Datum.
  - Floor and surface levels of any existing and proposed buildings and works to Australian Height Datum.
  - Cross section details of any basement entry ramps and other basement entries to Australian Height Datum, showing floor levels of entry and exit areas and drainage details.
  - If subdivision is proposed the location, shape and size of the proposed lots to be created.
- If a referral to the floodplain management authority is required, written advice, including endorsed plans of the proposal and any conditions, from the relevant floodplain management authority demonstrating that the floodplain management authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

## 59.08-2

31/07/2018  
VC148

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Clauses 13.01 and 13.03 of the Planning Policy Framework.
- Whether the proposals are consistent with any local floodplain development plan for the area incorporated into this scheme.
- If a referral to the floodplain management authority is required, any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The flood risk including:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessways.
  - The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessways are flooded.
- The effect of the development in directing or obstructing floodwater, stormwater or drainage water and the effect of the development in reducing flood storage and increasing flood levels and flow velocities.

## MORNINGTON PENINSULA PLANNING SCHEME

59.09

31/07/2018  
VC148

## SIGNS

59.09-1

31/07/2018  
VC148

## Information requirements

An application must be accompanied by the following information, as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A site context report, using a site plan, photographs or other methods to accurately describe:
  - The location of the proposed sign on the site or building and distance from property boundaries.
  - The location and size of existing signs on the site including detail of any signs to be retained or removed.
  - The location and form of existing signs on adjoining properties and in the locality.
  - The location of closest traffic control signs.
  - Identification of any view lines or vista that could be affected by the proposed sign.
- The dimensions height above ground level and extent of projection of the proposed sign.
- The height, width and depth of the total sign structure including the method of support and any associated structures such as safety devices and service platforms.
- The colour, lettering style and material of the proposed sign.
- The size of the proposed display (total display area including all sides of a multi-sided sign).

59.09-2

31/07/2018  
VC148

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Whether the proposal is consistent with any relevant local advertising policy set out in the scheme.
- Whether the proposal will impact the character of the area including:
  - Natural environment heritage, waterway open space and rural landscape values.
  - The desired future character of the area.
  - The cumulative impact of signs on the character of an area.
  - The need to avoid visual disorder or clutter of signs.
- Whether the proposal will impact views and vistas including:
  - Important views from the public realm.
  - Significant public views.
  - Views to existing signs.
- Whether the proportion, scale and form of the proposed sign relates to the site, building, streetscape, setting or landscape including:
  - The position of the proposed sign, including if it protrudes above existing buildings or landscape and natural elements.
  - Screening of unsightly elements.
  - The number, scale and location of existing signs.
  - The ability to rationalise or simplify the number of signs.
  - The ability to include landscaping to reduce the visual impact of the proposed sign structure.

## MORNINGTON PENINSULA PLANNING SCHEME

- The extent to which the proposed sign requires the removal of vegetation.
- Whether the proposed sign is consistent with any outdoor advertising theme.
- Whether there is a need for identification and the opportunities for adequate identification on the site or locality.
- Whether the proposed sign will adversely impact road safety

## MORNINGTON PENINSULA PLANNING SCHEME

## 59.10

31/07/2018  
VC148

## CAR PARKING

## 59.10-1

31/07/2018  
VC148

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - The location of existing buildings.
  - All car parking spaces and access lanes.
  - Allocation of car parking spaces to different uses or tenancies if applicable.
  - Landscaping and sensitive water design treatments.
- A written statement that describes:
  - The proposed use of the site, number of employees and patrons and hours of operation.
  - The previous use of the site.
  - The site and floor area to be occupied.
  - The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay
  - The total number of car parking spaces provided.
  - The likely impact of a reduction in car parking on the amenity of the area and on the areas existing car parking.

## 59.10-2

31/07/2018  
VC148

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Whether the reduction of the car parking requirements is consistent with any relevant local planning policy or incorporated plan.
- The objectives contained in the schedule to the Parking Overlay
- Whether there is availability of alternative car parking in the locality including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non-residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Whether there is any car parking deficiency associated with the existing use of the land.
- Whether there is any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Whether fewer car parking spaces will impact local amenity including pedestrian amenity and the amenity of nearby residential areas.
- Whether there is a need to create safe, functional and attractive parking areas.
- The availability of public transport in the locality of the land.

## MORNINGTON PENINSULA PLANNING SCHEME

- The convenience of pedestrian and cyclist access to the land.
- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the use.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The future growth and development of any nearby activity centre.
- Local traffic management in the locality of the land.
- Access to or provision of alternative transport modes to and from the land.
- Whether any car parking spaces to be provided meet the design standards of Clause 52.06.
- Any relevant decision guidelines specified in a schedule to the Parking Overlay

MORNINGTON PENINSULA PLANNING SCHEME

59.11  
31/07/2018  
VC148

[NO CONTENT]

## MORNINGTON PENINSULA PLANNING SCHEME

## 59.12

31/07/2018  
VC148

## TWO LOT SUBDIVISION IN A RURAL ZONE

## 59.12-1

31/07/2018  
VC148

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings and associated works.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easement on the subject land.
  - The location of any significant vegetation, waterways and wetlands.
  - The location of the approved stormwater discharge point and effluent disposal areas.
  - Any abutting roads.
  - Existing and proposed vehicle access to the lots.

## 59.12-2

31/07/2018  
VC148

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Are consistent with the layout of existing buildings and associated works on the land.
  - Appropriately accommodate significant vegetation.
  - Appropriately accommodate existing or proposed easement on the lots.
  - Appropriately accommodate the provision of utility services to each lot.
  - Appropriately accommodate existing and proposed vehicle access to the lots.
- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunication and sewerage facilities.
- Any Regional Catchment Strategy applying to the land.
- If the land is in an overlay statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
- Whether any public open space contribution is required under Clause 53.01 of this scheme or under Section 18 of the Subdivision Act 1988



## MORNINGTON PENINSULA PLANNING SCHEME

## 59.13

31/07/2018  
VC148

## BUILDINGS AND WORKS IN A RURAL ZONE

## 59.13-1

31/07/2018  
VC148

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A description of the use of the land and the proposed buildings and works.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location of any waterway or wetlands.
  - The location and use of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All existing and proposed driveways, car parking and loading areas.
  - Existing and proposed landscape areas.
  - All external storage and waste treatment areas.
- Elevation drawings to scale showing the height, colour and material of all proposed buildings and works.
- A photograph of the building or area affected by the proposal.

## 59.13-2

03/02/2022  
VC199

## Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The impact of the siting, design, height, bulk, colours and material to be used, on the natural environment, character and appearance of the area, landscape features, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- Whether the proposal will have an adverse impact on adjoining and nearby land uses.
- The need to protect amenity of existing residents.
- The need to locate buildings in one area to avoid any adverse impact on surrounding agricultural uses.
- The likely environmental impact on the natural physical features and biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate and including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
- The capability of the land to accommodate the proposed development.
- Whether the development will support and enhance agricultural production.
- The location of on-site effluent disposal areas to minimise the impact of nutrient load on waterways and native vegetation.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The impact of the proposal on any wetlands or waterways.
- Any integrated land management plan prepared for the site.

## MORNINGTON PENINSULA PLANNING SCHEME

- Whether the development will require traffic management measures.
- For buildings and works associated with a dwelling:
  - Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
  - Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery traffic and hours of operation.
  - Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
  - The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

## MORNINGTON PENINSULA PLANNING SCHEME

59.14

14/12/2023  
VC253

## CONSTRUCTION AND EXTENSION OF ONE DWELLING ON A LOT OR A SMALL SECOND DWELLING ON A LOT IN A RESIDENTIAL ZONE

59.14-1

14/12/2023  
VC253

## Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A site plan, drawn to scale and fully dimensioned showing:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - Location of existing buildings on the site and on surrounding properties including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossings.
  - Any other notable features of the site.
  - In relation to the neighbourhood:
    - The built form, scale and character of surrounding development including front fencing.
    - Architectural and roof styles.
    - Any other notable features or characteristics of the neighbourhood.
- A site and layout plan, drawn to scale and fully dimensioned showing:
  - Site shape, size, orientation, easement and site levels.
  - Adjoining roads.
  - The location and use of buildings and works on adjoining land.
  - The layout and use of existing buildings being retained and all proposed buildings, including finished floor levels.
  - All existing and proposed driveways and crossings.
  - Existing and proposed landscape and open space areas.
  - All external storage, waste areas and services.
- An elevation plan, drawn to scale showing the height, colour and materials of the proposed development.
- Photographs of the building or area affected by the proposal.
- If the application is associated with one dwelling on a lot, a written statement, plan or diagram demonstrating how the proposal meets:

## MORNINGTON PENINSULA PLANNING SCHEME

- The requirements in the following standards of Clause 54:
  - A3 Street setback.
  - A10 Side and rear setbacks.
  - A11 Walls on boundaries.
  - A12 Daylight to existing windows.
  - A13 North-facing windows.
  - A14 Overshadowing open space.
  - A15 Overlooking.
- The objectives and requirements in the following standards of Clause 54:
  - Clause 54.02-1 Neighbourhood character objective and standard A1.
  - Clause 54.02-2 Integration with the street objective and standard A2.
  - Clause 54.03-3 Site coverage objective and standard A5.
  - Clause 54.03-4 Permeability objectives and standard A6.
  - Clause 54.03-5 Energy efficiency protection objectives and standard A7.
  - Clause 54.03-6 Significant trees objectives and standard A8.
  - Clause 54.05-1 Daylight to new windows objective and standard A16.
  - Clause 54.05-2 Private open space objective and standard A17.
  - Clause 54.05-3 Solar access to open space objective and standard A18.
  - Clause 54.06-1 Design detail objective and standard A19.
  - Clause 54.06-2 Front fences objective and standard A20.
- If the application is associated with a small second dwelling on a lot, a written statement, plan or diagram demonstrating how the proposal meets:
  - The requirements in the following standards of Clause 54:
    - A3 Street setback
    - A9 Building setback
    - A9.1 Safety and accessibility
    - A10 Side and rear setbacks.
    - A11 Walls on boundaries.
    - A12 Daylight to existing windows.
    - A13 North-facing windows.
    - A14 Overshadowing open space.
    - A15 Overlooking.
  - The objectives and requirements in the following standards of Clause 54:
    - Clause 54.02-1 Neighbourhood character objective and standard A1.
    - Clause 54.03-3 Site coverage objective and standard A5.
    - Clause 54.03-4 Permeability objective and standard A6.
    - Clause 54.03-5 Energy efficiency protection objective and standard A7.
    - Clause 54.03-6 Significant trees objective and standard A8.

## MORNINGTON PENINSULA PLANNING SCHEME

- Clause54.03-8SafetyandaccessibilityandstandardA9.1.
- Clause54.05-1Daylight to newwindowsobjectiveandstandardA16.
- Clause54.05-2PrivateopenspaceobjectiveandstandardA17.
- Clause54.06-1Designdetail objectiveandstandardA19.

If a scheduldo the zonespecifies a requiremenbf a standarddifferentfrom a requirementsetout in the Clause54 standardthe requirementn the scheduldo the zoneapplies.

59.14-2

14/12/2023  
VC253

## Decision guidelines

In assessingan applicationassociatedwith onedwelling on a lot the responsible authority must considerthe following objectives,standardsanddecisionguidelinesof Clause54 as appropriate:

- The following objectives,standardsanddecisionguidelinesof Clause54:
- Clause54.02-1NeighbourhoodcharacterobjectiveandstandardA1.
- Clause54.02-2Integrationwith the streetobjectiveandstandardA2.
- Clause54.03-3Site coverageobjectiveandstandardA5.
- Clause54.03-4PermeabilityobjectiveandstandardA6.
- Clause54.03-5Energy efficiencyprotectionobjectiveandstandardA7.
- Clause54.03-6SignificanttreesobjectiveandstandardA8.
- Clause54.05-1Daylight to newwindowsobjectiveandstandardA16.
- Clause54.05-2PrivateopenspaceobjectiveandstandardA17.
- Clause54.05-3Solaraccessdo openspaceobjectiveandstandardA18.
- Clause54.06-1Designdetail objectiveandstandardA19.
- Clause54.06-2FrontfenceobjectiveandstandardA20.

In assessingan applicationassociatedwith a smallseconddwellingon a lot the responsible authority must considerthe following objectives,standardsanddecisionguidelinesof Clause54 as appropriate:

- Clause54.02-1NeighbourhoodcharacterobjectiveandstandardA1.
- Clause54.03-3Site coverageobjectiveandstandardA5.
- Clause54.03-4PermeabilityobjectiveandstandardA6.
- Clause54.03-5Energy efficiencyprotectionobjectiveandstandardA7.
- Clause54.03-6SignificanttreesobjectiveandstandardA8.
- Clause54.03-8SafetyandaccessibilityandstandardA9.1.
- Clause54.05-1Daylight to newwindowsobjectiveandstandardA16.
- Clause54.05-2PrivateopenspaceobjectiveandstandardA17.
- Clause54.06-1Designdetail objectiveandstandardA19.

If a scheduldo the zonespecifies a requiremenbf a standarddifferentfrom a requirementsetout in the Clause54 standardthe requirementn the scheduldo the zoneapplies.

## MORNINGTON PENINSULA PLANNING SCHEME

59.15

31/07/2018  
VC148

## LOCAL VICSMART APPLICATIONS

The schedule to this clause may specify classes of application that are VicSmart applications to which Clause 71.06 applies. A class of applications specified must not be a class of VicSmart applications specified in another provision of this planning scheme.

The classes of VicSmart applications are specified in three tables:

- Table 1 specifies classes of VicSmart applications under a zone.
- Table 2 specifies classes of VicSmart applications under an overlay.
- Table 3 specifies classes of VicSmart applications under a particular provision.

Each table in the schedule is divided into four columns:

- Column 1 specifies the name of zone or overlay or name of particular provision.
- Column 2 specifies the development.
- Column 3 specifies the provision of the planning scheme that contains the permit requirement applicable to the development.
- Column 4 specifies the information requirements and decision guidelines in Clause 59.01 to 59.14 or the schedule to Clause 59.16 applicable to the class of VicSmart application.

Subject to Clause 71.06, an application under a provision specified in Column 3 for a use or development specified in Column 2 is a class of VicSmart application and must be assessed against the provisions specified in Column 4.

## MORNINGTON PENINSULA PLANNING SCHEME

31/07/2018  
VC148

## SCHEDULE TO CLAUSE 59.15 LOCAL VICSMART APPLICATIONS

1.0

31/07/2018  
VC148

Table 1 Classes of local VicSmart application under zone provisions

Name of zone or class of zone	Class of application	Permit requirement provision	Information requirements and decision guidelines
None specified			

2.0

31/07/2018  
VC148

Table 2 Classes of local VicSmart application under overlay provisions

Name of overlay or class of overlay	Class of application	Permit requirement provision	Information requirements and decision guidelines
None specified			

3.0

31/07/2018  
VC148

Table 3 Classes of local VicSmart application under Particular Provisions

Name of particular provision	Class of application	Permit requirement provision	Information requirements and decision guidelines
None specified			

MORNINGTON PENINSULA PLANNING SCHEME

59.16

31/07/2018  
VC148

INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL  
VICSMART APPLICATIONS

A schedule to this clause may set out information requirements and decision guidelines for a class of VicSmart applications specified in the Schedule to Clause 59.15.



MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

SCHEDULE 1 TO CLAUSE 59.16 INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMART APPLICATIONS

1.0

22/07/2021  
C255morn

Information requirements

Nonespecified.

2.0

22/07/2021  
C255morn

Decision guidelines

Nonespecified.

## MORNINGTON PENINSULA PLANNING SCHEME

60

31/07/2018  
VC148

## GENERAL PROVISIONS

This section sets out provisions about existing uses, decision guidelines, referral of applications and other matters.

MORNINGTON PENINSULA PLANNING SCHEME

61

31/07/2018  
VC148

[NO CONTENT]

MORNINGTON PENINSULA PLANNING SCHEME

62

31/07/2018  
VC148

GENERAL EXEMPTIONS

## MORNINGTON PENINSULA PLANNING SCHEME

62.01

14/12/2023  
VC253

## USES NOT REQUIRING A PERMIT

Any requirement in this scheme relating to the use of land, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- The use of land for a Road except within the Urban Floodway Zone and a Public Conservation and Resource Zone.
- The use of land for Natural systems.
- The use of land in a road if the use is associated with the use of adjoining land and is authorised by the Council under a local law.
- The use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.
- The use of land for wind measurement by an anemometer for three years or less.
- The use of land for earth and energy resource industry if the conditions of Clause 52.08 are met.
- The use of land for a carnival or circus if the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997 are met.
- The use of land for apiculture if the requirements of the Apiary Code of Practice May 2011 are met.
- The use of land for temporary portable land sales office located on the land for sale.
- The use of land for a telecommunication facility.
- The use of land for a helicopter landing site if the use meets the requirements of Clause 52.15-1.
- The use of land for a minor utility installation.
- The use of land to display a sign.
- The use of land for power lines and electrical sub-stations associated with an energy generation facility or geothermal energy extraction if a permit was issued for such use or development prior to the approval date of Amendment MC157.
- The use of land for environmental monitoring (including monitoring groundwater, noise or air quality) carried out by or on behalf of the Head, Transport for Victoria.
- The use of land for an Electorate office.
- The use of land for a moveable unit as defined in the Housing Act 1983, carried out by or on behalf of the Chief Executive Officer, Homes Victoria.

## MORNINGTON PENINSULA PLANNING SCHEME

## 62.02

15/03/2019  
VC157

## BUILDINGS AND WORKS

Clause 62.02-1 and 62.02-2 set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works. These exemptions do not apply to the removal, destruction or lopping of trees and the removal of vegetation. Exemptions for vegetation removal are set out in Clause 62.02-3.

## 62.02-1

14/12/2023  
VC253

## Buildings and works not requiring a permit

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- Buildings or works which provide for fire protection under relevant legislation.
- Emergency works undertaken by, or on behalf of, a municipality, public authority or utility service provider in the exercise of any power conferred on them under any Act.
- Buildings or works with an estimated cost of \$1,000,000 or less carried out by or on behalf of a municipality.
- Maintenance works carried out by a municipality or public authority to prevent or alleviate flood damage.
- An anemometer located on a site for three years or less.
- Buildings and works associated with a use on adjoining land or street trading if authorised under a local law.
- Gardening.
- Buildings and works associated with a minor utility installation.
- Power lines and electrical sub-stations associated with an energy generation facility or Geothermal energy extraction if a permit was issued for such use or development prior to the approval date of Amendment MC157.
- Buildings or works which are a modification necessary to comply with a direction under the Dangerous Goods Act 1985 or the Occupational Health and Safety Act 2004 or a Development Licence, Operating Licence or notice under the Environment Protection Act 2017.
- Buildings and works for a telecommunications facility exempt from a permit under clause 52.19-1.
- Buildings and works associated with a dam if a licence is required to construct the dam or to take and use water from the dam under the Water Act 1989.
- Buildings and works associated with a carnival or circus if the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997 are met.
- Buildings and works associated with apiculture if the requirements of the Apiary Code of Practice, May 2011 are met.
- A temporary portable classroom associated with an education centre located on a site for three years or less.
- A temporary shed or temporary structure for construction purposes or a temporary portable land sales office located on the land for sale.
- A children's cubbyhouse.
- External lighting normal to a dwelling or small second dwelling.
- The construction, alteration, removal or demolition of an observation bore where a licence has been issued for those works under Part 5 of the Water Act 1989.

## MORNINGTON PENINSULA PLANNING SCHEME

- Any works associated with the use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.
- A crop support or protection structure associated with horticulture, including a trellis, cloche, net and shade cloth. It does not include a structure with a solid roof or solid wall such as a glass house or igloo.
- An annex attached to a movable caravan located on land used for a camping and caravan park.
- Works associated with geotechnical testing or service proving.
- Buildings and works associated with the use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.
- The construction of or putting up for display a sign consistent with the requirements of Clause 52.05-10.
- Temporary buildings and works associated with environmental monitoring (including monitoring groundwater, noise or air quality) constructed or carried out by or on behalf of the Head, Transport for Victoria.

## 62.02-2

14/12/2023  
VC253

Buildings and works not requiring a permit unless specifically required by the planning scheme

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- A fence.
- The construction of or putting up for display a sign (except for a sign consistent with the requirements of Clause 52.05-10 which is provided for in Clause 62.02-1).
- Road works.
- Buildings and works associated with a railway, railway station or tramway constructed or carried out by or on behalf of the Head, Transport for Victoria. If the buildings or works are on land in an Urban Floodway Zone, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay and will redirect or obstruct the water flow path, they must be constructed and carried out to the satisfaction of the relevant floodplain management authority.
- Street furniture including postboxes, telephone booths, fire hydrants, bus shelters, shade sails, traffic control devices and public toilets.
- Park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbecues, shade sails, drinking fountains and public toilets.
- Furniture and works normally associated with an education centre including, but not limited to, outdoor furniture, playground equipment, art works, drinking fountains, rubbish bins and landscaping.
- Disability access and disability facilities associated with an education centre (not including a lift external to a building).
- Art work that is carried out by or on behalf of a public land manager
- Oil pipelines.
- Buildings and works associated with a moveable unit as defined in the Housing Act 1983 carried out by or on behalf of the Chief Executive Officer, Homes Victoria.
- The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.
- Repairs and routine maintenance to an existing building or works.

## MORNINGTON PENINSULA PLANNING SCHEME

- Domestic services normal to a dwelling or small second dwelling.
- A rainwater tank with a capacity of not more than 10,000 litres.
- Bicycle pathways and trails.
- A television antenna.
- A flagpole.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- An open-sided pergola or veranda to a dwelling or small second dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of three metres above ground level.
- A deck to a dwelling or small second dwelling with a finished floor level not more than 800 mm above ground level.
- A disabled access ramp.
- Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation.
- A solar energy system attached to a building that primarily services the land on which it is situated.
- Buildings and works associated with cat cages and runs, bird cages, dog houses and other domestic animal enclosures associated with the use of the land as a dwelling.
- Services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
- An electric vehicle charging station.

This does not apply if a permit is specifically required for any of these matters.

## 62.02-3

30/08/2006  
VC40

## Vegetation removal

Any requirement in this scheme relating to the construction or carrying out of works does not apply to the removal, destruction or lopping of trees and the removal of vegetation.

This does not apply if a permit is specifically required to remove, destroy or lop trees or to remove vegetation.



## MORNINGTON PENINSULA PLANNING SCHEME

62.03

28/03/2018  
VC145

## EVENTS ON PUBLIC LAND

Any requirement in this scheme relating to the use of land or the construction of a building or the construction or carrying out of works does not apply to:

- an event on public land; or
- temporary buildings or works required for the event;

where that event has been authorised by the public land manager or by the council under a local law.

An event includes and used to provide temporary cultural or community activities and entertainment such as a concert, festival or exhibition.

This does not apply to public land where a local provision of this scheme specifically regulates an event for a particular site.

## MORNINGTON PENINSULA PLANNING SCHEME

## 62.04

28/03/2018  
VC145

## SUBDIVISIONS NOT REQUIRING A PERMIT

Any requirement in this scheme relating to the subdivision of land does not apply to:

- A subdivision by an authority acquiring the land which does not create an additional lot.
- A subdivision by a public authority or utility service provider which does not create an additional lot other than for the sole purpose of a minor utility installation. This does not apply if a permit is required to subdivide land under any overlay.
- A subdivision by an authority acquiring the land which creates additional lots if the additional lots are severed parcels of land without legal access to an existing road and the additional lots are retained by the acquiring authority or sold to an abutting land owner on the condition that the lot be consolidated with abutting land.
- A subdivision which realigns the common boundary between two lots if all the land is in one urban zone and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is more than 230 square metres, and the area of either lot is reduced by less than 30 square metres.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is 230 square metres or less, and the area of either lot is reduced by less than 5 per cent or by less than 30 square metres, whichever is lesser.
  - The new boundary coincides with a boundary fence that is more than five years old. This does not apply if all the land is in one ownership.
- A subdivision which realigns the common boundary between two lots if all the land is in one non-urban zone, the re-subdivision does not allow the number of dwellings the whole of the land could be used for under this scheme to increase and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, and no part of the boundary is moved more than 1 metre. This does not apply if the area of the smaller lot would be less than the area specified by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the new boundary coincides with the location of a fence that is more than five years old, and no part of the boundary is moved more than three metres.

## MORNINGTON PENINSULA PLANNING SCHEME

62.05

17/02/2022  
VC200

## DEMOLITION

A permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.

Any requirement in this planning scheme (other than a requirement in a Heritage Overlay) relating to the demolition or removal of a building or works does not apply to the demolition or removal of a building or works associated with a car park, railway, railway station or tramway carried out by or on behalf of the Head, Transport for Victoria.

## MORNINGTON PENINSULA PLANNING SCHEME

## 62.06

28/10/2022  
VC224

## DELIVERY OF ESSENTIAL GOODS PERMIT CONDITION EXEMPTION

The purpose of this exemption is to enable additional flexibility for deliveries of essential goods if the time within which a delivery may be carried out is regulated by a permit condition.

In this exemption, delivery includes loading, dispatching and unloading.

This exemption applies to the delivery of food, drink, groceries, medicine, or cleaning, sanitising, health, hygiene, medical or personal protection equipment, supplies, or products, or the like.

Despite any condition of a permit that specifies a period of time within which a delivery may be carried out, a delivery may be carried out for up to 1 hour before the start of the specified period and 1 hour after the end of the specified period.

Example: If a condition of a permit only allows deliveries between the hours of 7 am and 10 pm, the delivery may be carried out under this exemption after 6 am and up until 11 pm.

MORNINGTON PENINSULA PLANNING SCHEME

63

28/03/2018  
VC145

EXISTING USES

## MORNINGTON PENINSULA PLANNING SCHEME

## 63.01

28/03/2018  
VC145

## EXTENT OF EXISTING USE RIGHTS

An existing user right is established in relation to use of land under this scheme if any of the following apply:

- The use was lawfully carried out immediately before the approval date.
- A permit for the use had been granted immediately before the approval date and the use commences before the permit expires.
- A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires.
- Proof of continuous use for 15 years is established under Clause 63.11.
- The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose.

## MORNINGTON PENINSULA PLANNING SCHEME

63.02

31/07/2018  
VC148

## CHARACTERISATION OF USE

If a use of land is being characterised to assess the extent of any existing user right, the use is to be characterised by the purpose of the actual use at the relevant date, subject to any conditions or restrictions applying to the use at that date, and not by the classification in the table to Clause 73.03 or in Section 1, 2 or 3 of any zone.

## MORNINGTON PENINSULA PLANNING SCHEME

63.03

28/03/2018  
VC145

### EFFECT OF DEFINITIONS ON EXISTING USE RIGHTS

The definition of a term in this scheme or the amendment of any definition, does not increase or restrict the extent of any existing user right established prior to the inclusion of the definition or amendment.



## MORNINGTON PENINSULA PLANNING SCHEME

63.04

28/03/2018  
VC145

## SECTION 1 USES

A use in Section 1 of a zone for which an existing user right is established may continue provided any condition or restriction to which the use was subject and which applies to the use in Section 1 of the zone continues to be met.

## MORNINGTON PENINSULA PLANNING SCHEME

63.05

28/03/2018  
VC145

## SECTIONS 2 AND 3 USES

A use in Section 2 or 3 of a zone for which an existing user right is established may continue provided:

- No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.
- Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing user right or the extent of activities within the use.
- The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing user right.

## MORNINGTON PENINSULA PLANNING SCHEME

63.06

28/03/2018  
VC145

## EXPIRATION OF EXISTING USE RIGHTS

An existing user right expires if either:

- The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.
- In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.

## MORNINGTON PENINSULA PLANNING SCHEME

63.07

28/03/2018  
VC145

## COMPLIANCE WITH CODES OF PRACTICE

A use for which an existing user right is established must comply with any relevant code of practice incorporated in this scheme if either:

- The code of practice has been incorporated or adopted in accordance with Section 39 of the Conservation Forests and Lands Act 1987.
- The code of practice is approved or ratified by Parliament under an Act.

## MORNINGTON PENINSULA PLANNING SCHEME

63.08

28/03/2018  
VC145

## ALTERNATIVE USE

If land is used for a use in Section 3 of a zone for which an existing user right is established a permit may be granted to use the land for an alternative use which does not comply with this scheme. The responsible authority must be satisfied that the use of the land for the alternative use will be less detrimental to the amenity of the locality.

## MORNINGTON PENINSULA PLANNING SCHEME

63.09

28/03/2018  
VC145

## SHOP CONDITIONS

A permit must not be granted to:

- Construct or carry out a building or works under Clause 63.05 for a shop with a leasable floor area exceeding 500 square metres.
- Use land under Clause 63.08 for a shop with a leasable floor area exceeding 500 square metres.

## MORNINGTON PENINSULA PLANNING SCHEME

63.10

28/03/2018  
VC145

## DAMAGED OR DESTROYED BUILDINGS OR WORKS

If at least 50 percent of the gross floor area of a building or at least 50 percent of the area of any works is damaged or destroyed so that the use cannot continue without the building or works being reconstructed, the land must be used in conformity with this scheme unless a permit is granted to continue the use, and to construct or carry out buildings or works.

## MORNINGTON PENINSULA PLANNING SCHEME

63.11

12/02/2024  
VC254

## PROOF OF CONTINUOUS USE

If, in relation to an application or proceeding under the Act or this scheme including an application for a certificate of compliance under Section 97N of the Act, the extent of any existing user right for a period in excess of 15 years is in question, it is sufficient proof of the establishment of the existing user right if the use has been carried out continuously for a period of 15 years at any time before the date of the application or proceeding.

An existing user right may be established under this clause even if the user did not comply with the scheme immediately before or during the 15 year period, unless any of the following apply:

- At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal.
- During the 15 year period, the responsible authority has clearly and unambiguously given a written direction for the user to cease by reason of its non-compliance with the scheme.
- The use ceased between the end of the 15 year period and the date of the application or proceeding.



## MORNINGTON PENINSULA PLANNING SCHEME

63.12

28/03/2018  
VC145

## DECISION GUIDELINES

Before deciding on an application under Clause 63.05, 63.08 or 63.10, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider the extent to which compliance can be achieved with all scheme requirements that can reasonably be met.

MORNINGTON PENINSULA PLANNING SCHEME

64

28/03/2018  
VC145

GENERAL PROVISIONS FOR USE AND DEVELOPMENT OF LAND

# MORNINGTON PENINSULA PLANNING SCHEME

64.01

28/03/2018  
VC145

## LAND USED FOR MORE THAN ONE USE

If land is used for more than one use and one is not ancillary to the other, each use must comply with this scheme.

## MORNINGTON PENINSULA PLANNING SCHEME

64.02

28/03/2018  
VC145

## LAND USED IN CONJUNCTION WITH ANOTHER USE

If a provision of this scheme provides that a use of land must be used 'in conjunction with' another use of the land:

- there must be an essential association between the two uses; and
- the use must have a genuine, close and continuing functional relationship in its operation with the other use.

## MORNINGTON PENINSULA PLANNING SCHEME

## 64.03

28/03/2018  
VC145

## SUBDIVISION OF LAND IN MORE THAN ONE ZONE

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

## Permit Requirement

A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:

- The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.
- The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:
  - To comply with the requirements of the Urban Floodway Zone.
  - To provide access to a road.
- The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.

## MORNINGTON PENINSULA PLANNING SCHEME

65

28/03/2018  
VC145

## DECISION GUIDELINES

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

## MORNINGTON PENINSULA PLANNING SCHEME

65.01

09/12/2021  
VC204

## APPROVAL OF AN APPLICATION OR PLAN

Before deciding on an application or approval of a plan, the responsible authority must consider as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduced water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

This clause does not apply to a VicSmart application.

## MORNINGTON PENINSULA PLANNING SCHEME

65.02

15/03/2024  
VC256

## APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

Before deciding on an application to subdivide land, the responsible authority must also consider as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any owners corporation.
- The availability and provision of utility services including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.
- The impact the development will have on the current and future development and operation of the transport system.

This clause does not apply to a VicSmart application.



## MORNINGTON PENINSULA PLANNING SCHEME

66

14/05/2021  
VC198

## REFERRAL AND NOTICE PROVISIONS

## Scope

These provisions set out the kinds of applications which must be referred under section 55 of the Act or for which notice must be given under section 52(1)(c) of the Act. The provisions do not apply to the seeking of advice about an application or where a responsible authority may choose to give notice under another sub-section of section 52(1) of the Act.

These provisions also specify when a plan must be referred under section 8(1)(a) of the Subdivision Act 1988.

## Referrals

Applications of the kind listed in Clauses 66.01, 66.02, 66.03 and 66.04 must be referred to the person or body specified as a referral authority in accordance with section 55 of the Act.

Any requirement for referral under this or another clause does not apply if:

- In the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority, or the referral authority has considered the proposal for which the application is made within the past three months and has stated in writing that it does not object to the granting of the permit for the proposal; or
- The application is for the use or development of land for extractive industry or mining and a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority (other than the Head, Transport for Victoria) under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.

## Notice

Notice of an application of the kind listed in Clauses 66.05 and 66.06 must be given in accordance with section 52(1)(c) of the Act to the person or body specified as a person or body to be notified.

Any requirement for notice under this or another clause does not apply if, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the person or body to be notified.

## MORNINGTON PENINSULA PLANNING SCHEME

66.01

04/08/2022  
VC221

## SUBDIVISION REFERRALS

An application of the kind listed in the table below must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

Kind of application	Referral authority	Type of referral authority
To subdivide land other than: <ul style="list-style-type: none"> <li>A boundary realignment.</li> <li>The subdivision of an existing building already connected to services.</li> <li>A two lot subdivision.</li> <li>The subdivision of land into lots each containing an existing dwelling or car parking space.</li> </ul>	The relevant water, drainage or sewerage authority The relevant electricity supply or distribution authority The relevant gas supply authority only where the subdivision is proposed to connect a lot to a reticulated gas supply system.	Determining referral authority Determining referral authority Determining referral authority
To subdivide land outside the metropolitan fire district which creates a road, where the requirements of Clause 56.09-3 are not met.	Country Fire Authority	Determining referral authority
To subdivide land if the only access to a lot is over Crown land which has not been reserved or proclaimed as a road.	Minister administering the Land Act 1958	Determining referral authority
To subdivide land crossed by a gas transmission pipeline or a gas transmission pipeline easement.	The relevant gas supply authority	Determining referral authority
To subdivide land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.	The relevant electricity transmission authority	Determining referral authority
To subdivide a heritage place of which all or part is included in the Victorian Heritage Register.	The Executive Director specified in the Heritage Act 2017	Determining referral authority

Note: A subdivision which does not require referral under Clause 66.01 must be referred if it is listed as a requirement under any other provision of Clause 66.

66.01-1

04/08/2022  
VC221

## Mandatory conditions for subdivision permits

A permit for subdivision must contain the following conditions:

The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communication and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

## MORNINGTON PENINSULA PLANNING SCHEME

- a telecommunication network or service provider that all lots are connected to or are ready for connection to telecommunication services in accordance with the provider's requirements and relevant legislation at the time; and
- a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communication and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

This requirement does not apply to a permit granted to:

- Subdivide land in a rural zone, public land zone, Urban Floodway Zone or Special Use Zone if the responsible authority is satisfied that connection to telecommunication services is not warranted.
- Realign the common boundary between two lots (boundary realignment).
- Subdivide an existing building already connected to telecommunication services.

A permit granted to subdivide land in a manner that does not require referral under Clause 66.01 must contain the following conditions:

- The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivisions submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- The plan of subdivisions submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

This requirement does not apply to a permit granted to subdivide land into lots each containing an existing dwelling or car parking space.

## 66.01-2

15/09/2008  
VC49

## Referrals under the Subdivision Act ? certification of plans

For the purpose of Section 8(1)(a) of the Subdivision Act 1988 referral of a plan is required if:

- A referral is required by a permit issued under this scheme. The plan must be referred to the relevant referral authority
- A plan creates, varies or removes an easement or restriction likely to be of interest to a referral authority. The plan must be referred to the relevant referral authority
- The only access to a lot on a plan is over Crown land and the Minister administering the Land Act 1958 has not consented or provision has not been made for a road to be reserved or proclaimed. The plan must be referred to that Minister.
- In the opinion of the Council the plan may affect existing sewerage, water, drainage or other works. The plan must be referred to the referral authority responsible for those works.

## MORNINGTON PENINSULA PLANNING SCHEME

## 66.02

31/07/2018  
VC148

## USE AND DEVELOPMENT REFERRALS

An application of the kind listed in the tables below must be referred to the person or body specified as the referral authority. The tables below specify whether the referral authority is a determining referral authority or a recommending referral authority.

## 66.02-1

04/05/2022  
VC210

## Environment Protection Authority Licence

Kind of application	Referral authority	Type of referral authority
For a use or development requiring any of the following:	Environment Protection Authority	Determining referral authority
<ul style="list-style-type: none"> <li>A Development Licence or Operating Licence in accordance with Part 4.4 of the Environment Protection Act 2017.</li> <li>Amendment of a licence in accordance with Part 4.3 of the Environment Protection Act 2017.</li> </ul>		

## 66.02-2

12/12/2017  
VC138

## Native vegetation

Kind of application	Referral authority	Type of referral authority
<ul style="list-style-type: none"> <li>To remove, destroy or lop native vegetation in the Detailed Assessment Pathway as defined in the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).</li> <li>To remove, destroy or lop native vegetation if a property vegetation plan applies to the site.</li> <li>To remove, destroy or lop native vegetation on Crown land which is occupied or managed by the responsible authority.</li> </ul>	Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987)	Recommending referral authority

## 66.02-3

25/05/2017  
VC133

## Cattle feedlot

Kind of application	Referral authority	Type of referral authority
To use or develop land for a cattle feedlot.	Minister for Agriculture	Determining referral authority
	If the site is located within a special water supply catchment area under the Catchment and Land Protection Act 1994, the relevant water authority under the Water Act 1989 and the Secretary to the Department administering the Catchment and Land Protection Act 1994	Determining referral authority
	If the number of cattle is 5000 or more, the Environment Protection Authority	Determining referral authority

## MORNINGTON PENINSULA PLANNING SCHEME

## 66.02-4

25/05/2017  
VC133

## Major electricity line or easement

Kind of application	Referral authority	Type of referral authority
To construct a building or construct or carry out works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.	The relevant electricity transmission authority	Determining referral authority

## 66.02-5

22/11/2024  
VC263

## Special water supply catchment area

Kind of application	Referral authority	Type of referral authority
To use, subdivide or consolidate land, to construct a building or construct or carry out works, or to demolish a building or works that are within a declared Special Area classified as a Special Water Supply Catchment Area under the Catchment and Land Protection Act 1994 and which provides water to a domestic supply.	The relevant water board or water supply authority	Determining referral authority
This does not apply to an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling.		

## 66.02-6

25/05/2017  
VC133

## Timber production

Kind of application	Referral authority	Type of referral authority
<ul style="list-style-type: none"> <li>To use or develop land for timber production by establishing a plantation.</li> <li>To use or develop land for timber production by harvesting timber from native forest, including thinning, if the area of native forest to be subjected to timber production operations is 10 hectares or greater.</li> </ul>	Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987)	Determining referral authority

## 66.02-7

26/05/2020  
VC175

## Industry , utility installation or warehouse

Kind of application	Referral authority	Type of referral authority
<ul style="list-style-type: none"> <li>To use land for an industry, utility installation or warehouse for a purpose listed in the table to Clause 53.10 with no threshold distance specified or if the threshold distance is not to be met.</li> </ul>	Environment Protection Authority	Determining referral authority
<ul style="list-style-type: none"> <li>To use land for an industry, utility installation or warehouse if any of the following apply: <ul style="list-style-type: none"> <li>A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> </ul> </li> </ul>	The Victorian WorkCover Authority	Determining referral authority

## MORNINGTON PENINSULA PLANNING SCHEME

Kind of application	Referral authority	Type of referral authority
<ul style="list-style-type: none"> <li>- A notification is required under the Occupational Health and Safety Regulations 2017.</li> <li>- A licence is required under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>- A licence is required under Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.</li> </ul>		
<ul style="list-style-type: none"> <li>▪ To construct a building or construct or carry out works on land used for an industry, utility installation or warehouse if the area of the buildings and works will increase by more than 25 per cent and any of the following apply: <ul style="list-style-type: none"> <li>- A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> <li>- A notification is required under the Occupational Health and Safety Regulations 2017.</li> <li>- A licence is required under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>- A licence is required under the Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.</li> </ul> </li> </ul>	The Victorian WorkCover Authority	Determining referral authority

66.02-8  
22/03/2022  
VC219

## Extractive industry

Kind of application	Referral authority	Type of referral authority
<ul style="list-style-type: none"> <li>▪ To use or develop land for extractive industry.</li> </ul>	<p>Secretary to the Department administering the Heritage Act 2017.</p> <p>Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990</p>	Determining referral authority
<ul style="list-style-type: none"> <li>▪ To use or develop land for accommodation in a rural zone if the building or works associated with the accommodation is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</li> </ul>	Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990	Recommending referral authority
<ul style="list-style-type: none"> <li>▪ To use or develop land for extractive industry on Crown land or land abutting Crown land, other than a government road.</li> </ul>	Secretary to the Department administering the Land Act 1958, Crown Land (Reserves) Act 1978, National Parks Act 1975 and Forests Act 1958	Determining referral authority

## MORNINGTON PENINSULA PLANNING SCHEME

Kind of application	Referral authority	Type of referral authority
<ul style="list-style-type: none"> <li>■ To use or develop land for extractive industry:               <ul style="list-style-type: none"> <li>– In Special Areas declared under Section 27 of the Catchment and Land Protection Act 1994.</li> <li>– On land where the use or development involves the removal or destruction of native vegetation if the total area to be cleared is 10 hectares or greater.</li> <li>– On land which has been identified in this scheme as being subject to high erosion risk or areas identified as being subject to salinity management.</li> </ul> </li> </ul>	Secretary to the Department administering the Catchment and Land Protection Act 1994	Determining referral authority
<ul style="list-style-type: none"> <li>■ To use or develop land for extractive industry:               <ul style="list-style-type: none"> <li>– In areas with communities or taxa listed or critical habitat determined under the Flora and Fauna Guarantee Act 1988.</li> <li>– On land which has been identified in this scheme as containing sites of flora or fauna significance.</li> </ul> </li> </ul>	Secretary to the Department administering the Flora and Fauna Guarantee Act 1988	Determining referral authority
<ul style="list-style-type: none"> <li>■ To use or develop land for extractive industry on land which has been identified in this scheme as flood prone.</li> </ul>	Secretary to the Department administering Section 201 of the Water Act 1989	Determining referral authority
<ul style="list-style-type: none"> <li>■ To use or develop land for extractive industry if the land is intended to be used for land fill at a future date.</li> </ul>	Environment Protection Authority	Determining referral authority
<ul style="list-style-type: none"> <li>■ To use or develop land for extractive industry:               <ul style="list-style-type: none"> <li>– On land which abuts a local road which intersects with a road declared as a freeway or an arterial road under the Road Management Act 2004 and if the development is expected to increase traffic movement at the intersection of the local road and the declared road by ten percent or more.</li> <li>– On land which abuts a road declared as a freeway or an arterial road under the Road Management Act 2004. This does not apply to a development which generates less than one hundred commercial trips per day, with roadworks at the entrance to the site built in accordance with the requirements of the Head, Transport for Victoria and the declared road is not a freeway.</li> </ul> </li> </ul>	Head, Transport for Victoria	Determining referral authority

## MORNINGTON PENINSULA PLANNING SCHEME

66.02-9

25/05/2017  
VC133

## Geothermal energy extraction

Kind of application	Referral authority	Type of referral authority
To use or develop land for geothermal energy extraction.	Secretary to the Department administering the Geothermal Energy Resources Act 2005	Determining referral authority

66.02-10

25/05/2017  
VC133

## Greenhouse gas sequestration

Kind of application	Referral authority	Type of referral authority
To use or develop land for greenhouse gas sequestration.	Secretary to the Department administering the Greenhouse Gas Geological Sequestration Act 2008	Determining referral authority

66.02-11

09/12/2021  
VC204

## Land use and transport integration

Kind of application	Referral authority	Type of referral authority
<p>An application to subdivide land, to construct a building or to construct or carry out works for any of the following:</p> <ul style="list-style-type: none"> <li>▪ A residential development comprising 60 or more dwellings or lots.</li> <li>▪ A residential building comprising 60 or more lodging rooms.</li> <li>▪ A residential village comprising 60 or more dwellings.</li> <li>▪ A retirement village comprising 60 or more dwellings or lots.</li> <li>▪ A new retail premises of 4000 or more square metres of leasable floor area.</li> <li>▪ An increase of more than 1000 square metres to the leasable floor area of an existing retail premises which is 4000 or more square metres leasable floor area.</li> <li>▪ An office development of 10,000 or more square metres of leasable floor area.</li> <li>▪ A place of assembly comprising 400 or more seats or 600 or more square metres of gross floor area.</li> <li>▪ An education centre.</li> <li>▪ A major sports and recreation facility.</li> <li>▪ Any alteration or development of public transport infrastructure or stops, unless undertaken for the Head, Transport for Victoria.</li> </ul> <p>This does not apply to:</p> <ul style="list-style-type: none"> <li>▪ Buildings and works associated with an existing place of assembly, education centre, major sports and recreation facility or retirement village.</li> <li>▪ A development consistent with an adopted Structure Plan that has been prepared in consultation with and endorsed by the Head, Transport for Victoria.</li> </ul>	Head, Transport for Victoria	Determining referral authority



## MORNINGTON PENINSULA PLANNING SCHEME

66.02-12

17/09/2019  
VC161

## Declared irrigation districts

Kind of application	Referral authority	Type of referral authority
An application to use or develop land for a renewable energy facility located within an irrigation district declared under Part 6A of the Water Act 1989.	Secretary to the Department administering the Water Act 1989.	Recommending referral authority

66.02-13

17/02/2022  
VC200

## State transport projects

Kind of application	Referral authority	Type of referral authority
An application to which clause 53.21 applies.	The municipal council for the municipal district within which the proposed use or development will be carried out.	Recommending referral authority.

66.02-14

20/03/2023  
VC229

## Freeway service centre

Kind of application	Referral authority	Type of referral authority
To use or develop land for a Freeway service centre.	Head, Transport for Victoria	Determining referral authority

## MORNINGTON PENINSULA PLANNING SCHEME

66.03

15/03/2024  
VC256

## REFERRAL OF PERMIT APPLICATIONS UNDER OTHER STATE STANDARD PROVISIONS

An application of the kind listed in the table below, where the planning scheme includes the specified clause, must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

Clause	Kind of application	Referral authority	Type of referral authority
Clause 36.03-5 (PCRZ)	An application for the use or development of an Emergency services facility.	Secretary to the Department of Energy, Environment and Climate Action	Determining referral authority
Clause 37.03-5 (UFZ)	An application under the zone within the waterway management district of Melbourne Water Corporation.	Melbourne Water Corporation	Determining referral authority
	An application under the zone outside the waterway management district of Melbourne Water Corporation.	Relevant floodplain management authority	Recommending referral authority
Clause 37.07-5 (UGZ)	An application under the zone within Metropolitan Melbourne.	Victorian Planning Authority	Determining referral authority
	An application under the zone outside Metropolitan Melbourne.	Secretary to the Department administering the Planning and Environment Act 1987	Determining referral authority
Clause 44.02-8 (SMO)	An application under the overlay and any site capability report.	Secretary to the Department of Energy, Environment and Climate Action	Determining referral authority
Clause 44.03-6 (FO)	An application under the overlay within the waterway management district of Melbourne Water Corporation.	Melbourne Water Corporation	Determining referral authority
	An application under the overlay outside the waterway management district of Melbourne Water Corporation.	Relevant floodplain management authority	Recommending referral authority
Clause 44.04-7 (LSIO)	An application under the overlay within the waterway management district of Melbourne Water Corporation.	Melbourne Water Corporation	Determining referral authority
	An application under the overlay outside the waterway management district of Melbourne Water Corporation.	Relevant floodplain management authority	Recommending referral authority
Clause 44.05-6 (SBO)	An application under the overlay within the waterway management district of Melbourne Water Corporation.	Melbourne Water Corporation	Determining referral authority

## MORNINGTON PENINSULA PLANNING SCHEME

Clause	Kind of application	Referral authority	Type of referral authority
	An application under the overlay outside the waterway management district of Melbourne Water Corporation.	Relevant floodplain management authority	Recommending referral authority
Clause 44.06-6 (BMO)	<p>An application to construct a building or carry out works associated with a dwelling.</p> <p>This does not apply to a non habitable outbuilding that meets the following requirements:</p> <ul style="list-style-type: none"> <li>▪ The outbuilding is ancillary to a dwelling,</li> <li>▪ 10 metres of defensible space is provided around the outbuilding in accordance with the vegetation management requirements at Table 6 of Clause 53.02,</li> <li>▪ The canopy of each tree within the defensible space is separated by at least 2 metres, and</li> <li>▪ Where the outbuilding is located less than 10 metres from a dwelling the outbuilding construction requirements at Table 7 of Clause 53.02 are met.</li> </ul>	Relevant fire authority	Recommending referral authority
	An application to subdivide land.	Relevant fire authority	Recommending referral authority
	An application under the overlay other than an application to construct a building or carry out works associated with a dwelling or an application to subdivide land.	Relevant fire authority	Determining referral authority
Clause 44.07-6 (SRO)	An application of the kind specified in a schedule to the overlay.	Referral authority specified in a schedule to the overlay	Determining referral authority
Clause 45.01-3 (PAO)	An application under the overlay.	Acquiring authority specified in the schedule to the overlay	Determining referral authority
Clause 45.07-6 (CLPO)	An application under the overlay.	Head, Transport for Victoria	Determining referral authority
Clause 52.05-3	An application to display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004.	Head, Transport for Victoria	Determining referral authority
Clause 52.27	An application under the Clause in association with a bar, hotel or nightclub that is to operate after 1am.	Victorian Liquor Commission	Determining referral authority

## MORNINGTON PENINSULA PLANNING SCHEME

Clause	Kind of application	Referral authority	Type of referral authority
Clause 52.29-4	An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the Road Management Act 2004, land owned by the Head, Transport for Victoria for the purpose of a road, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the acquisition is for the purpose of a road.	Head, Transport for Victoria	Determining referral authority
	Any other application under the Clause.	Owner of, or the acquiring authority for, the adjacent land in the Transport Zone 2 or the Public Acquisition Overlay	Determining referral authority
Clause 52.32	An application to amend a permit under section 72 or 97I of the Planning and Environment Act 1987 for a wind energy facility if the application amends or removes conditions or requirements for operational wind turbine noise.	Environment Protection Authority Victoria	Recommending referral authority
Clause 53.24	An application to which Clause 53.24 applies.	Secretary to the Department of Transport and Planning	Determining referral authority

## MORNINGTON PENINSULA PLANNING SCHEME

## 66.04

28/03/2018  
VC145

## REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

In addition to the referral requirements of Clause 66.01, 66.02 and 66.03, an application of the kind listed in the schedule to this clause must be referred to the referral authority specified in the schedule. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

If a local provision of the scheme specifies a person or body as a referral authority for a kind of application or contains a referral requirement and that specification or requirement is not included in the schedule to this clause, it is not a referral requirement under section 55 of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

**SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS****1.0**

31/03/2022  
C288morn

**Referral of permit applications under local provisions**

Clause	Kind of application	Referral authority	Referral authority type
Clause 4.0 of Schedule 25 to Clause 42.01 (ESO)	An application relating to land within or abutting a PPRZ or PCRZ.	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority

## MORNINGTON PENINSULA PLANNING SCHEME

66.05

22/03/2022  
VC219

## NOTICE OF PERMIT APPLICATIONS UNDER STATE STANDARD PROVISIONS

Notice of an application of the kind listed in the table below must be given to the person or body specified as a person or body to be notified.

Clause	Kind of application	Person or body to be notified
Clause 35.07	<p>An application to use or develop land for accommodation within one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> <li>▪ A permit for a wind energy facility; or</li> <li>▪ An application for a permit for a wind energy facility; or</li> <li>▪ An incorporated document approving a wind energy facility; or</li> <li>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul>	<p>The owners and occupiers of land subject to:</p> <ul style="list-style-type: none"> <li>▪ A permit for a wind energy facility; or</li> <li>▪ An application for a permit for a wind energy facility; or</li> <li>▪ An incorporated document approving a wind energy facility; or</li> <li>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul>
Clause 45.08-6	An application to use or subdivide land, or to construct a building or construct or carry out works.	The airport lessee company of Melbourne Airport in accordance with the Commonwealth Airports Act 1996
Clause 52.09-7	<p>An application to use or subdivide land or construct a building for accommodation, education centre or hospital:</p> <ul style="list-style-type: none"> <li>▪ Within an Extractive Industry Interest Area.</li> <li>▪ On land which is within 500 metres of land on which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</li> </ul> <p>An application to construct a building or construct or carry out works on land for which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</p> <p>These requirements do not apply to:</p> <ul style="list-style-type: none"> <li>▪ An application to extend a building or works.</li> <li>▪ An application that is required to be referred to the Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990 under section 55 of the Act.</li> </ul>	The Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990
Clause 52.09-7	An application to use or develop land for accommodation in a rural zone if the building or works associated with the accommodation is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.	The owners and occupiers of land subject to a work authority that has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

## MORNINGTON PENINSULA PLANNING SCHEME

Clause	Kind of application	Person or body to be notified
Clause 52.21	An application to construct, use or illuminate a private tennis court under any provision of this scheme.	The owners and occupiers of adjoining and opposite properties
Clause 52.27	An application in association with a bar, hotel or nightclub that is to operate after 1am.	Chief Commissioner of Victoria Police
Clause 53.09	An application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the Victorian Code for Broiler Farms 2009.	Environment Protection Authority
Clause 67.02-2	<p>An application which except for the provisions of clause 67.01, would be made to the Minister in accordance with section 96 of the Act. This does not apply to an application:</p> <ul style="list-style-type: none"> <li>▪ To which the exemption from notice and review in clause 52.31-2 applies.</li> <li>▪ To construct or put up for display a sign.</li> <li>▪ To remove, destroy or lop native vegetation under clause 52.17.</li> <li>▪ If a permit is only required under the Bushfire Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Salinity Management Overlay or Special Building Overlay.</li> </ul>	<p>The owners and occupiers of adjoining land</p> <p>The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust</p>
Clause 67.02-2	An application to remove, destroy or lop native vegetation under clause 52.17 which, except for the provisions of clause 67.01, would be made to the Minister in accordance with section 96 of the Act. This does not apply if the application must be referred to the Secretary under section 55 of the Act.	Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987)



## MORNINGTON PENINSULA PLANNING SCHEME

66.06

28/03/2018  
VC145

## NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

In addition to the notice requirements of Clause 66.05, notice of an application of the kind specified in the schedule to this clause must be given to the person or body specified in the schedule if a local provision of the scheme specifies a notice requirement and that requirements not included in the schedule to this clause, it is not a notice requirement under Section 52(1)(c) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C255morn

**SCHEDULE TO CLAUSE 66.06 NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS**

1.0

05/09/2024  
C241morn

**Notice of permit applications under local provisions**

Clause	Kind of application	Person or body to be notified
42.01s32	An application relating to earthworks and native vegetation removal.	Melbourne Water Corporation.
Section 4.0		

MORNINGTON PENINSULA PLANNING SCHEME

67

14/09/2021  
VC211

LAND OWNED OR PERMIT REQUIRED BY RESPONSIBLE AUTHORITIES

## MORNINGTON PENINSULA PLANNING SCHEME

67.01

24/01/2020  
VC160

## EXEMPTIONS FROM SECTION 96(1) AND 96(2) OF THE ACT

In accordance with section 6(2)(ka) of the Act, the following classes of use and development are exempted from section 96(1) and 96(2) of the Act:

## Class 1

Use of land for:

Car park, camping and caravan park, community facility (including child care centre, maternal and infant welfare centre, neighbourhood house, place of assembly and toilet block), dwelling, extractive industry, hospital, industry, leisure and recreation, office, residential village, retail premises or service station.

## Class 2

Development of land for:

A Class 1 use, demolition of a building or works, lighting and flood lighting of a recreation facility or building, sign or advertisement or subdivision.

## Class 3

Any other use or development.

## MORNINGTON PENINSULA PLANNING SCHEME

## 67.02

14/09/2021  
VC211

## NOTICE REQUIREMENTS AND EXEMPTION

## 67.02-1

14/09/2021  
VC211

## Application

This clause applies to an application which, except for the provisions of clause 67.01, would be made to the Minister in accordance with section 96 of the Act.

## 67.02-2

14/09/2021  
VC211

## Notice requirements

In accordance with section 52(1)(c) of the Act, notice of an application must be given to:

- The owners and occupiers of adjoining land.
- The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust.

This does not apply to an application:

- To which the exemption from notice and review in clause 52.31-2 applies.
- To construct or put up for display a sign.
- To remove, destroy or lop native vegetation under clause 52.17.
- If a permit is only required under the Bushfire Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Salinity Management Overlay or Special Building Overlay

In accordance with section 52(1)(c) of the Act, notice of an application to remove, destroy or lop native vegetation under clause 52.17 must be given to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation Forests and Lands Act 1987).

This does not apply if the application must be referred to the Secretary under section 55 of the Act.

## 67.02-3

14/09/2021  
VC211

## Exemption from notice

An application to construct or put up for display a sign on land managed, occupied or owned by the responsible authority is exempt from the notice requirements of section 52(1)(a) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

70

31/07/2018  
VC148

### OPERATIONAL PROVISIONS

This section sets out provisions about the operation, administration and enforcement of this planning scheme, the meaning of terms used in this planning scheme and other matters.

MORNINGTON PENINSULA PLANNING SCHEME

71

31/07/2018  
VC148

OPERATION OF THIS PLANNING SCHEME

## MORNINGTON PENINSULA PLANNING SCHEME

71.01

31/07/2018  
VC148

## OPERATION OF THE MUNICIPAL PLANNING STRATEGY

71.01-1

24/01/2020  
VC160

## Municipal Planning Strategy

The Municipal Planning Strategy at Clause 02 provides an overview of important local planning issues in an introductory context, sets out the vision for future use and development in the municipality and establishes strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.

A planning authority must take into account the Municipal Planning Strategy when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Municipal Planning Strategy when it makes a decision under this planning scheme.

71.01-2

03/02/2022  
VC199

## Transitional

If this planning scheme includes a Municipal Strategic Statement at Clause 21, the provisions of Clauses 23.01 and 23.02 apply.



## MORNINGTON PENINSULA PLANNING SCHEME

## 71.02

31/07/2018  
VC148

## OPERATION OF THE PLANNING POLICY FRAMEWORK

## 71.02-1

31/07/2018  
VC148

## Purpose of the Planning Policy Framework

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change.

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (asset out in section 4 of the Act) are fostered through appropriate use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

## 71.02-2

24/01/2020  
VC160

## Operation

The Planning Policy Framework sets out the planning policies that form part of this planning scheme. It comprises Clauses 10 to 19.

A planning policy applies to all land subject to this planning scheme unless the policy specifies otherwise.

A planning policy provides guidance for decision making and can help the community to understand how the responsible authority will consider a proposal.

The consistent application of planning policy over time should achieve a desired outcome.

A planning authority must take into account the Planning Policy Framework when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Planning Policy Framework when it makes a decision under this planning scheme. This does not apply to policy guidelines and policy documents.

## Policy guidelines

A planning policy may include policy guidelines. Policy guidelines indicate how objectives can be met and how strategies can be implemented.

A responsible authority must take a relevant policy guideline into account when it makes a decision under this planning scheme but is not required to give effect to it. If the responsible authority is satisfied that an alternative approach meets the objective, the alternative may be considered.

## Policy documents

A planning policy may include reference to a policy document. A policy document may be an incorporated background and other document.

A background document listed in the table or the schedule to Clause 72.08 that applies to Clauses 10 to 19 is a policy document for applicable planning policies.

## 71.02-3

03/02/2022  
VC199

## Integrated decision making

Victorians have various needs and expectations, such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting

## MORNINGTON PENINSULA PLANNING SCHEME

objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

71.02-4

31/07/2018  
VC148

#### Transitional

If this planning scheme includes a Municipal Strategic Statement at Clause 21 and local planning policies at Clause 22, the provisions of Clause 23.01, 23.02 and 23.03 apply. To the extent of any inconsistency Clause 23.02 and 23.03 prevail over this clause.

## MORNINGTON PENINSULA PLANNING SCHEME

## 71.03

31/07/2018  
VC148

## OPERATION OF ZONES

In each zone and scheduled to a zone which contains a table of uses, the control over the use of land are divided into three sections.

## 71.03-1

31/07/2018  
VC148

## Section 1 uses

A use in Section 1 does not require a permit. Any condition opposite the use must be met. If the condition is not met, the use is in Section 2 and requires a permit unless the use is specifically included in Section 3 as a use that does not meet the Section 1 condition.

## 71.03-2

31/07/2018  
VC148

## Section 2 uses

A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.

Making decisions about Section 2 uses

Because a use in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

## 71.03-3

31/07/2018  
VC148

## Section 3 uses

A use in Section 3 is prohibited.

## MORNINGTON PENINSULA PLANNING SCHEME

71.04

31/07/2018  
VC148

## OPERATION OF OVERLAYS

If an overlay is shown on the planning scheme map, the provisions of the overlay apply in addition to the provisions of the zone and any other provision of this scheme.

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the overlay and any of the other decision guidelines in Clause 65.

## MORNINGTON PENINSULA PLANNING SCHEME

71.05

31/07/2018  
VC148

## OPERATION OF PARTICULAR PROVISIONS

The requirements of particular provisions apply to the specified categories of use and development and other matters in addition to any provisions which apply due to any other provision of this planning scheme.

## MORNINGTON PENINSULA PLANNING SCHEME

## 71.06

31/07/2018  
VC148

## OPERATION OF VICSMART APPLICATIONS AND PROCESS

## 71.06-1

15/03/2024  
VC256

## VicSmart applications

Any provision of this planning scheme may specify:

- Classes of application that are VicSmart applications to which Clause 71.06 applies.
- Information requirements for each class of VicSmart application.
- Decision guidelines for each class of VicSmart application.

An application is a VicSmart application if all of the following requirements are met:

- The application is in a class or classes specified in a provision of this planning scheme.
- A permit is required only under the provisions of this planning scheme that are specified as a VicSmart application, and not under any other provision of this planning scheme.
- Nothing authorised by the grant of a permit would result in a breach of a registered restrictive covenant.
- If the application requires referral to a referral authority under Clause 66, the referral requirements in Clause 71.06-2 are met.

## 71.06-2

31/07/2018  
VC148

## VicSmart process

Despite any other provision of this planning scheme:

- A VicSmart application is exempt from the requirements of the Act and planning scheme specified in this clause.
- The responsible authority must assess a VicSmart application in accordance with the requirements of this clause.

If there is any inconsistency between the requirements of this clause and another provision of this planning scheme, this clause prevails.

## Referral requirements

If an application requires referral to a referral authority under Clause 66:

- The application must have been considered by the referral authority within the past 3 months of the application being made to the responsible authority.
- The referral authority must have stated in writing that it does not object to the granting of the permit for the proposal.

## Information requirements

A VicSmart application must be accompanied by the information requirements specified for the relevant class of application. The information requirements of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, do not apply unless the information requirements for the relevant class of applications specify otherwise.

If in the opinion of the responsible authority an information requirement is not relevant to the evaluation of a VicSmart application, the responsible authority may waive or reduce the information requirement.

## Exemption from notice and review

A VicSmart application is exempt from:

- The notice requirements of section 52(1)(a), (b), (c) and (d) of the Act.
- The decision requirements of section 64(1), (2) and (3) of the Act.
- The review rights of section 82(1) of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

Matters to be considered

In deciding a VicSmart application, the responsible authority:

- Must only consider the decision guidelines specified for the relevant class of application.
- Is exempt from considering the following matters:
  - The requirements of section 60(1)(b), (c), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
  - The Municipal Planning Strategy and Planning Policy Framework unless the decision guidelines for the relevant class of applications specify otherwise.
  - The decision guidelines of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, unless the decision guidelines for the relevant class of applications specify otherwise.
  - The decision guidelines in Clause 65.
- In deciding an application for review in relation to a VicSmart application, the Tribunal is exempt from the matters specified in section 84B(2)(b) to (g) and (i) to (ja) of the Act.

Decision guidelines

Before deciding a VicSmart application, the responsible authority must consider the decision guidelines specified for the relevant class of application unless in the opinion of the responsible authority a decision guideline is not relevant to the evaluation of the application.

MORNINGTON PENINSULA PLANNING SCHEME

72

31/07/2018  
VC148

ADMINISTRATION AND ENFORCEMENT OF THIS PLANNING SCHEME



## MORNINGTON PENINSULA PLANNING SCHEME

## 72.01

17/09/2019  
VC161

## RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

The responsible authority for the administration and enforcement of this planning scheme or a provision of this planning scheme is specified in this clause and the schedule to this clause.

The person nominated under section 198(1)(a) of the Act or the responsible authority under section 198(1)(b) of the Act, to whom a person may apply for a planning certificate, is specified in the schedule to this clause.

## 72.01-1

20/09/2023  
VC242

## Minister is responsible authority

The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and endorsement of, approval of or being satisfied with matters required by a permit or the scheme to be endorsed approved or done to the satisfaction of the responsible authority in relation to the use and development of land for a:

- Energy generation facility with an installed capacity of 1 megawatt or greater
- Utility installation used to:
  - Transmitter distribute electricity.
  - Store electricity if the installed capacity is 1 megawatt or greater
- Industry to manufacture hydrogen gas with a minimum production capacity of 410 kilograms of hydrogen per day, and any land use or development in conjunction with this use.
- Primary school or secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous and in the same ownership as, a primary school or secondary school, if any of the following apply:
  - There is no existing primary school or secondary school on the land.
  - The estimated cost of developments \$3 million or greater
- Primary school or secondary school for which an application was made to the Minister for Planning prior to the approval date of Amendment VC180.
- A use or development other than the subdivision of land, carried out by or on behalf of the Head, Transport for Victoria or the Secretary to the Department of Transport and Planning.
- Use and development to which clause 52.20 applies.
- Development of 10 or more dwellings to which clause 53.20 applies.
- Construction or extension of an apartment development to which clause 53.20 applies.
- Construction or extension of a dwelling in or forming part of an apartment development to which clause 53.20 applies.
- Use or development to which clause 53.22 applies.
- Use or development to which clause 53.23 applies.

with the exception of the following:

- in relation to applications lodged, or permits issued for the use and development of land for an energy generation facility (other than a renewable energy facility) or a utility installation (other than a utility installation used to store, transmit or distribute electricity generated by a renewable energy facility with an installed capacity of 1 megawatt or greater), under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC192, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed approved or done to the satisfaction of the responsible authority

# MORNINGTON PENINSULA PLANNING SCHEME

- in relation to permits for the use and development of land for a wind energy facility issued prior to 2 April 2015 under Division 1 of Part 4 of the Act, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed approved or done to the satisfaction of the responsible authority
- in relation to permits for the use and development of land for a wind energy facility issued prior to 2 April 2015 under Division 6 of Part 4 of the Act, the Council is the responsible authority for matters required by the permit or the scheme to be endorsed approved or done to the satisfaction of the responsible authority, subject to the operation of section 97H of the Act.
- in relation to applications lodged, or permits issued for the use and development of land for a renewable energy facility (other than a wind energy facility) under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC161, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed approved or done to the satisfaction of the responsible authority
- in relation to applications lodged, or permits issued for the use and development of land for a utility installation used to store, transmit or distribute electricity generated by a renewable energy facility, under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC161, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed approved or done to the satisfaction of the responsible authority
- in relation to an application made, or permit issued for the use or development of land by the Head, Transport for Victoria or the Secretary to the Department of Transport and Planning, under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC200, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed approved or done to the satisfaction of the responsible authority
- in relation to an application made, or permit issued, under Division 1 of Part 4 of the Act for the use and development of land for a primary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same and/or contiguous land in the same ownership as, a primary school or secondary school:
  - prior to the approval date of Amendment VC180; and
  - where clause 53.19 immediately in force before the approval date of Amendment VC180 did not apply,the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed approved or done to the satisfaction of the responsible authority
- in relation to the use and development of land for a primary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same and/or contiguous land in the same ownership as, a primary school or secondary school, the Council is the responsible authority for matters required:
  - by clause 43.04 Development Plan Overlay to be done to the satisfaction of the responsible authority;
  - under Part 6 of the Act.

## MORNINGTON PENINSULA PLANNING SCHEME

31/07/2018  
VC148

## SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0

31/07/2018  
VC148

Responsible authority for administering and enforcing this planning scheme:

The Mornington Peninsula Shire Council is the responsible authority for administering and enforcing the planning scheme except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0

03/11/2023  
GC221

Responsible authority for administering and enforcing a provision of this planning scheme:

The Minister for Planning is the responsible authority for the purposes of s171 of the Planning and Environment Act 1987 for the land at Lot 3 High Street (197A Henders Road), Hastings, Volume 11048 Folio 271.

The Minister for Planning is the responsible authority for the purposes of:

- Considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act
- The provisions of Divisions 1 and 2 of Part 9 of the Act; and,
- Approving associated matters required by the scheme or by a permit to be endorsed, approved or done to the satisfaction of the responsible authority,

in relation to the land known as Arthurs Seat State Park which is subject to Section 32CA of the National Parks Act 1975, more particularly being the land shown hatched on the plan lodged in the Central Plan Office; and, numbered N.P.36A and delineated and coloured blue on that plan and is 6 metres or more above the land surface.

3.0

31/07/2018  
VC148

Person or responsible authority for issuing planning certificates:

Minister for Planning.

4.0

22/09/2023  
VC243

Responsible authority for VicSmart and other specified applications:

The Chief Executive Officer of Mornington Peninsula Shire Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

The Chief Executive Officer of Mornington Peninsula Shire Council is the responsible authority for considering and determining applications to which Clause 53.24 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

The Chief Executive Officer of Mornington Peninsula Shire Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

# MORNINGTON PENINSULA PLANNING SCHEME

72.02

31/07/2018  
VC148

WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

This planning scheme applies to the municipal district or other area specified in the schedule to this clause.

## MORNINGTON PENINSULA PLANNING SCHEME

31/07/2018  
VC148

## SCHEDULE TO CLAUSE 72.02 WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

1.0

31/07/2018  
VC148

Area covered by this planning scheme:

The area covered by this planning scheme is all of the land listed below:

- The municipal district of the Shire of Mornington Peninsula.
- The area of Port Phillip Bay between the municipal boundary of the Shire of Mornington Peninsula and an imaginary parallel line 600 metres seaward from the municipal boundary
- Any other land adjoining the municipal district of the Shire of Mornington Peninsula that is covered by a zone or overlay shown on a planning scheme map listed in the Schedule to Clause 61.03.

## MORNINGTON PENINSULA PLANNING SCHEME

72.03

31/07/2018  
VC148

## WHAT DOES THIS PLANNING SCHEME CONSIST OF?

This planning scheme consists of this document and any maps specified in the schedule to this clause, and any documents incorporated in the scheme in accordance with the Act. A document is not incorporated in this scheme by reason only that it is referred to in the scheme.

This document consists of State standard provisions and local provisions. Local provisions are:

- If included in this planning scheme:
  - Clause 02 (Municipal Planning Strategy).
  - Clause 21 (Municipal Strategic Statement).
  - Clause 22 (Local Planning Policies).
- All clauses in the Planning Policy Framework that include the letter 'L' in the clause number
- All schedules, zones, overlays, particular provisions, general provisions and operational provisions.

All other provisions are State standard provisions.

Maps specified in the schedule to this clause show how land is zoned and whether land is affected by an overlay. This information is indicated by a letter and/or number code that is explained on each map.

Note: A clause number '11.01-1L' would be an example of a local provision in the Planning Policy Framework. 'C1Z' is an example of a code on a map that may be specified in the schedule to this clause. It stands for 'Commercial 1 Zone'.

## MORNINGTON PENINSULA PLANNING SCHEME

21/03/2019  
C216

## SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

## 1.0

05/09/2024  
C241morn

Maps comprising part of this planning scheme:

- 1, 1DDO, 1ESO1\_16, 1ESO17\_19, 1ESO24\_27, 1HO, 1EMO, 1VPO, 1SCO
- 2, 2DDO, 2FAO, 2ESO1\_16, 2ESO17\_19, 2ESO24\_27, 2HO, 2VPO, 2BMO, 2EAO
- 3, 3DDO, 3DPO, 3FAO, 3ESO1\_16, 3HO, 3BMO, 3SCO
- 4, 4FAO, 4ESO1\_16, 4BMO
- 5, 5DDO, 5FAO, 5LSIO-FO, 5ESO17\_19, 5ESO24\_27, 5EMO, 5HO, 5VPO, 5EAO, 5PO
- 6, 6DDO, 6FAO, 6DPO, 6LSIO-FO, 6ESO1\_16, 6ESO17\_19, 6ESO24\_27, 6EMO, 6HO, 6VPO, 6BMO, 6SCO
- 7, 7DDO, 7FAO, 7ESO1\_16, 7ESO17\_19, 7HO, 7VPO, 7EAO, 7BMO, 7SCO
- 8, 8DDO, 8FAO, 8ESO1\_16, 8ESO17\_19, 8HO, 8VPO, 8EAO, 8BMO, 8SCO
- 9, 9DDO, 9FAO, 9ESO1\_16, 9ESO17\_19, 9ESO28, 9HO, 9VPO, 9BMO, 9SCO
- 10, 10LSIO-FO, 10ESO1\_16, 10ESO17\_19, 10ESO28, 10EAO, 10BMO
- 11, 11DDO, 11ESO24\_27, 11HO, 11VPO, 11BMO
- 12, 12DDO, 12ESO1\_16, 12ESO17\_19, 12ESO24\_27, 12ESO28, 12ESO32, 12EMO, 12SLO1\_2, 12SLO3\_5, 12HO, 12VPO, 12BMO
- 13, 13DDO, 13FAO, 13ESO1\_16, 13ESO17\_19, 13ESO24\_27, 13ESO28, 13EMO, 13SLO1\_2, 13SLO3\_5, 13HO, 13VPO, 13BMO
- 14, 14DDO, 14FAO, 14ESO1\_16, 14ESO17\_19, 14ESO28, 14SLO3\_5, 14HO, 14VPO, 14BMO
- 15, 15DDO, 15FAO, 15LSIO-FO, 15ESO1\_16, 15ESO17\_19, 15ESO28, 15HO, 15VPO, 15BMO, 15SCO
- 16, 16DDO, 16ESO1\_16, 16ESO17\_19, 16ESO24\_27, 16ESO28, 16SLO1\_2, 16SLO3\_5, 16HO, 16VPO, 16BMO, 16SCO
- 17, 17DDO, 17ESO1\_16, 17ESO17\_19, 17ESO24\_27, 17ESO28, 17EMO, 17SLO1\_2, 17SLO3\_5, 17HO, 17VPO, 17BMO, 17SCO
- 18, 18DDO, 18FAO, 18LSIO-FO, 18DPO, 18RO, 18ESO1\_16, 18ESO17\_19, 18ESO28, 18SLO3\_5, 18HO, 18VPO, 18BMO, 18PO
- 19, 19DDO, 19FAO, 19LSIO-FO, 19DPO, 19RO, 19ESO1\_16, 19HO, 19VPO, 19BMO, 19PO, 19SCO
- 20, 20ESO24\_27, 20HO, 20BMO, 20LSIO-FO
- 21, 21DDO, 21ESO17\_19, 21ESO24\_27, 21HO, 21VPO, 21BMO, 21LSIO-FO
- 22, 22DDO, 22DPO, 22ESO17\_19, 22ESO24\_27, 22HO, 22VPO, 22BMO, 22LSIO-FO
- 23, 23DDO, 23ESO24\_27, 23HO, 23VPO, 23BMO, 23LSIO-FO
- 24, 24DDO, 24FAO, 24ESO24\_27, 24HO, 24VPO, 24BMO
- 25, 25DDO, 25DPO, 25LSIO-FO, 25ESO24\_27, 25ESO31, 25HO, 25VPO, 25EAO
- 26, 26DDO, 26FAO, 26DPO, 26LSIO-FO, 26ESO17\_19, 26ESO24\_27, 26ESO28, 26ESO31, 26SLO3\_5, 26HO, 26VPO, 26EAO, 26BMO, 26PO
- 27, 27DDO, 27EMO, 27RO, 27ESO1\_16, 27ESO17\_19, 27ESO24\_27, 27ESO28, 27SLO1\_2, 27SLO3\_5, 27SLO6, 27HO, 27VPO, 27DPO, 27EAO, 27BMO

## MORNINGTON PENINSULA PLANNING SCHEME

- 28,28DDO,28RO,28ESO1\_1628ESO17\_1928ESO24\_2728ESO2828EMO,28SLO1\_2,28SLO3\_5,28SLO6,28HO,28VPO,28BMO
- 29,29DDO,29ESO1\_1629ESO17\_1929ESO24\_2729ESO2829EMO,29SLO1\_2,29SLO3\_5,29SLO6,29HO,29VPO,29BMO
- 30,30DDO,30LSIO-FO,30RO,30ESO1\_1630ESO17\_1930ESO20\_2330ESO24\_27,30ESO28,30EMO,30SLO1\_2,30SLO3\_5,30SLO6,30HO,30VPO,30BMO
- 31,31DDO,31LSIO-FO,31DPO,31ESO1\_1631ESO17\_1931ESO20\_2331ESO24\_27,31ESO28,31EMO,31SLO1\_2,31SLO3\_5,31SLO6,31HO,31VPO,31BMO
- 32,32DDO,32LSIO-FO,32RO,32ESO1\_1632ESO17\_1932ESO24\_2732ESO28,32SLO3\_5,32SLO6,32HO,32VPO,32EAO,32BMO
- 33,33DDO,33EAO,33FAO,33RO,33ESO28,33HO,33VPO,33BMO,33LSIO-FO,33DCPO
- 34,34DDO,34FAO,34ESO1\_1634ESO20\_2334ESO24\_2734ESO28,34SLO3\_5,34HO,34VPO,34BMO,34LSIO-FO
- 35,35DDO,35FAO,35RO,35ESO1\_1635ESO20\_2335ESO24\_2735ESO28,35ESO31,35SLO3\_5,35HO,35VPO,35EAO,35BMO,35LSIO-FO
- 36,36DDO,36FAO,36LSIO-FO,36ESO1\_1636ESO17\_1936ESO20\_2336ESO24\_27,36ESO28,36ESO31,36SLO3\_5,36HO,36VPO,36EAO,36BMO
- 37,37DDO,37ESO1\_1637ESO17\_1937ESO24\_2737ESO28,37EMO,37SLO1\_2,37SLO3\_5,37SLO6,37VPO,37BMO
- 38,38DDO,38LSIO-FO,38ESO1\_1638ESO17\_1938ESO20\_2338ESO24\_2738ESO28,38EMO,38SLO1\_2,38SLO3\_5,38SLO6,38HO,38VPO,38BMO
- 39,39DDO,39LSIO-FO,39ESO1\_1639ESO17\_1939ESO20\_2339ESO24\_2739ESO28,39EMO,39SLO1\_2,39SLO3\_5,39HO,39VPO,39BMO
- 40,40ESO1\_1640ESO20\_2340ESO24\_2740ESO28,40SLO1\_2,40SLO3\_5,40HO,40VPO,40BMO,40LSIO-FO
- 41,41DDO,41RO,41ESO1\_1641ESO20\_2341ESO24\_2741ESO28,41SLO1\_2,41SLO3\_5,41VPO,41BMO,41LSIO-FO
- 42,42ESO1\_1642ESO17\_1942ESO20\_2342ESO24\_2742ESO28,42EMO,42SLO1\_2,42SLO3\_5,42SLO6,42HO,42VPO,42BMO,42LSIO-FO
- 43,43ESO1\_1643ESO17\_1943ESO20\_2343ESO24\_2743ESO28,43SLO1\_2,43SLO3\_5,43SLO6,43HO,43VPO,43BMO,43LSIO-FO,43SCO
- 44,44ESO1\_1644ESO17\_1944ESO20\_2344ESO24\_2744ESO28,44EMO,44SLO1\_2,44SLO3\_5,44SLO6,44HO,44VPO,44BMO,44LSIO-FO
- 45,45DDO,45ESO1\_1645ESO17\_1945ESO20\_2345ESO24\_2745ESO28,45EMO,45SLO1\_2,45SLO3\_5,45SLO6,45HO,45VPO,45LSIO-FO



## MORNINGTON PENINSULA PLANNING SCHEME

## 72.04

16/02/2024  
VC244

## INCORPORATED DOCUMENTS

The documents listed in the table and the schedule to this clause are incorporated documents under section 6(2)(j) of the Planning and Environment Act 1987.

An incorporated document forms part of this planning scheme.

If a document is not listed in the table or the schedule it is not an incorporated document.

A document is not incorporated in this planning scheme by reason only that it is referred to in the scheme.

Note: Clause 72.08 contains a list of background documents relevant to this planning scheme. A background document does not form part of the planning scheme.

Table to Clause 72.04

Name of document	Introduced by:
A 'Good Neighbour' Code of Practice for a Circus or Carnival (Department of Infrastructure, October 1997)	NPS1
Apiary Code of Practice (Department of Planning and Community Development, May 2011)	VC81
Australian Standard AS/NZS 2890.1:2004, Parking Facilities - Off-street car parking (Standards Australia, 2004)	VC26
Australian Standard AS2890.3-1993, Parking Facilities Part 3: Bicycle parking facilities (Standards Australia, 1993)	VC28
Building in bushfire-prone areas (Publication SAA HB36-1993, CSIRO & Standards Australia, May 1993)	NPS1
Code of Practice for Bushfire Management on Public Land (Department of Sustainability and Environment, June 2012)	VC101
Code of Practice for Timber Production 2014 (as amended 2022) (Department of Environment, Land, Water and Planning, 2022)	VC229
Design Vehicles and Turning Path Templates (Publication AP-34/95, Austroads, 1995)	VC12
Growth Area Framework Plans (Department of Sustainability and Environment, September 2006)	VC41
Guide to Residential Streets and Paths (Publication C&CCA T51-2004, Cement and Concrete Association of Australia, 2004)	VC26
Guide to Road Design, Part 6A: Pedestrian and Cycle Paths (Austroads, 2021)	VC77
Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017)	VC138
Local Government Planning Guide for Dry Land Salinity (Department Conservation and Natural Resources, October 1995)	NPS1
Pavement Design - A Guide to the Structural Design of Road Pavements (Austroads, 1992)	VC12
Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017)	VC139
Principal Public Transport Network 2017 (Victorian Government, 2017)	VC132
Principal Public Transport Network Area Maps (Victorian Government, August 2018)	VC151
Private Tennis Court Development Code of Practice (Revision 1, Department of Infrastructure, March 1999)	VC5
Victorian Code for Broiler Farms 2009 - plus 2018 amendments (Department of Primary Industries, 1999)	VC60

## MORNINGTON PENINSULA PLANNING SCHEME

Name of document	Introduced by:
Victorian Code for Cattle Feedlots (Department of Agriculture, Energy and Minerals, August 1995)	NPS1
Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)	VC150
Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)	VC150

## MORNINGTON PENINSULA PLANNING SCHEME

15/01/2024  
VC249

## SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS

1.0

18/07/2024  
C305morn

## Incorporated documents

Name of document	Introduced by:
▪ Alexandra Park Pavilion Redevelopment, (275 Main Street, Mornington), Incorporated Plan, September 2021	C263morn
▪ Creswell Street East Crib Point Development Contributions Plan (Watsons, June 2024)	C305morn
Documents Incorporated Under Clause 45.12 - Specific Controls Overlay	
▪ Moorooduc Coolstore, August 2015	C192
▪ Trig Point Subdivision, April 1999	NPS1
▪ The National Golf Course and Cape Schanck Resort Development, November 2020	C279morn
▪ Mt Eliza Centre Subdivision, April 1999	NPS1
▪ Mornington Homemaker Centre, April 1999	NPS1
▪ Inghams Somerville Redevelopment Incorporated Document, February 2010	C139
▪ Golf Links Road and Grant Road (Peninsula Link to Frankston-Flinders Road) Upgrade Project Incorporated Document, November 2019	GC158
79 Bungower Road, Somerville, September 2021	C283morn
Documents Incorporated Under Clause 51.01 - Specific Sites and Exclusions:	
▪ Conditions for Use and Development of a Patrol Base and associated works for the Rosebud & District Life Saving Club, July 2001	C30
▪ Hydrogen Liquefaction and Loading Terminal – Pilot Project Hastings, July 2018	C250
▪ Kinfauns Development Plan, April 2004	C73(Part 1)
▪ Peninsula Link Project, Incorporated Document, July 2009 (amended June 2011 and February 2014)	C195
▪ Subdivision prohibition in the Public Conservation and Resource Zone outside the Urban Growth Boundary, April 2014	C176(Part 2)
▪ Searoad Ferries – Sorrento Terminal Building and Associated Uses and Works Incorporated Document, October 2017	C209
Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan, 11 July 2000	C17
Flinders Christian Community College, Master Plan, November 2009	C94
Hastings Energy Generation Facility Incorporated Document, February 2023	C297morn
Hastings Port Industrial Area Land Use Structure Plan, April 1996	NPS1
Moonah Links Comprehensive Development Plan, May 1999	C2
Plans Incorporated under Clause 43.01-2	
▪ Plan No. 1 Merricks General Store, July 2004	C65(Part 2)

## MORNINGTON PENINSULA PLANNING SCHEME

Name of document	Introduced by:
▪ Plan No. 2 Crib Point Public Cemetery, February 2005	C65(Part 2)
▪ Plan No. 3 Palm Beach Estate Somers, February 2005	C65(Part 2)
Restructure Plans Incorporated Under Clause 45.05	
▪ Arthurs Seat Restructure Plan, March 2004	C67
▪ Bittern Crib Point Restructure Plan, April 2013	C135(Part 1)
▪ Disney Street Industrial Restructure Plan, April 2004	C68(Part 1)
▪ Hastings Business 4 Restructure Plan, October 2009	C126(Part 1)
▪ Hellicars Road Estate Restructure Plan, April 2004	C68(Part 1)
▪ Naval Base Estate Restructure Plan, March 2012	C135(Part 1)
▪ St Andrews Beach Restructure Plan, March 2012	C135(Part 1)
Statements of Significance Incorporated under Clause 43.01	
▪ 12 Graydens Road, Tyabb Statement of Significance, December 2020	C262mornPt1
▪ Camp Buxton, 39-45 Marine Parade and part 45-57 Marine Parade, Shoreham Statement of Significance, September 2022	C239morn
▪ Fenton Hall, 181 Bittern-Dromana Road, Merricks North Statement of Significance, September 2022	C239morn
▪ Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, December 2018	C214morn
▪ House, 118 Salmon Street Hastings, Statement of Significance, December 2018	C214morn
▪ House, 95 Salmon Street, Hastings, Statement of Significance, December 2018	C214morn
▪ Hastings Uniting Church Chapel, 121 Marine Parade, Hastings, Statement of Significance, December 2018	C214morn
▪ 1146 Frankston-Flinders Road, Somerville Statement of Significance, December 2020	C262mornPt1
▪ 1 Bucher Place, Rosebud Statement of Significance, August 2021	C262mornPt1
▪ 40 Nestle Court, Arthurs Seat Statement of Significance, July 2021	C262mornPt1
▪ 1 Brooke Crescent, Blairgowrie Statement of Significance, July 2021	C262mornPt1
▪ 26 Back Beach Road, Portsea Statement of Significance, August 2021	C262mornPt1
▪ 12 Derrick Street, Blairgowrie Statement of Significance, July 2021	C262mornPt1
▪ 15 The Loop, Blairgowrie Statement of Significance, July 2021	C262mornPt1
▪ 4 Tallarook Street, Blairgowrie Statement of Significance, July 2021	C262mornPt1
▪ 11 Grosvenor Court, Portsea Statement of Significance, July 2021	C262mornPt1
▪ 6 Merrylands Avenue, Portsea Statement of Significance, July 2021	C262mornPt1
▪ 8 Merrylands Avenue, Portsea Statement of Significance, July 2021	C262mornPt1

## MORNINGTON PENINSULA PLANNING SCHEME

Name of document	Introduced by:
▪ 3715 Point Nepean Road, Portsea Statement of Significance, July 2021	C262mornPt1
▪ 3861-3863 Point Nepean Road, Portsea Statement of Significance, July 2021	C262mornPt1
▪ Road Reserve, Relph Avenue, Portsea, Statement of Significance, July 2021	C262mornPt1
▪ 3750-3752 Point Nepean Road, Portsea Statement of Significance, July 2021	C262mornPt1
▪ 3770-3772 Point Nepean Road, Portsea Statement of Significance, July 2021	C262mornPt1
▪ 3804 Point Nepean Road, Portsea Statement of Significance, July 2021	C262mornPt1
▪ 3808 Point Nepean Road, Portsea Statement of Significance, July 2021	C262mornPt1
▪ 11 Boroondara Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ St Joseph's Primary School, 1-17 Constitution Hill Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ St Mary's Presbytery and Mission House, 1-17 Constitution Hill Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ St Mary's Star of the Sea Church, 1-17 Constitution Hill Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 27 Copping Road, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 36-38 Darling Road, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 1 Esplanade, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 17 Esplanade, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 115 Hemston Avenue, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 5-7 Hotham Road, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 12 Hotham Road, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 92 Hurstwood Road, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 11 James Street, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 32 Kerferd Road, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 39-41 Kerferd Road, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 827 Melbourne Road, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 849 Melbourne Road, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1

## MORNINGTON PENINSULA PLANNING SCHEME

Name of document	Introduced by:
▪ 855-865 Melbourne Road, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 881 Melbourne Road, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 4 Morgan Street, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 4-6 Netley Avenue, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 8 Netley Avenue, Sorrento Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 2-4 and 6-8 Ocean Beach Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 10-16 Ocean Beach Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 18-24 Ocean Beach Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 165 Ocean Beach Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 235 Ocean Beach Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 34-36 Ossett Street, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 3073 Point Nepean Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 3251 Point Nepean Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 3385 Point Nepean Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ Sorrento Foreshore off Point Nepean Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 3399 Point Nepean Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 3409 Point Nepean Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 3461 Point Nepean Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 3489 Point Nepean Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 69 St Pauls Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 71 St Pauls Road, Sorrento Statement of Significance, July 2021	C262mornPt1
▪ 1 Bucher Place and 880 Point Nepean Road, Rosebud Statement of Significance, August 2021	C262mornPt2
▪ 14 Cove Avenue, Portsea Statement of Significance, February 2022	C262mornPt2
▪ 21-23 Blair Road, Portsea Statement of Significance, February 2022	C262mornPt2
▪ 29 Coppin Road, Sorrento Statement of Significance, February 2022	C262mornPt2
▪ 33 Campbells Road, Portsea Statement of Significance, February 2022	C262mornPt2
▪ 53 Franklin Road, Portsea Statement of Significance, February 2022	C262mornPt2
▪ 78 Normanby Road, Sorrento Statement of Significance, February 2022	C262mornPt2

## MORNINGTON PENINSULA PLANNING SCHEME

Name of document	Introduced by:
▪ 100 Back Beach Road, Portsea Statement of Significance, February 2022	C262mornPt2
▪ 3421 Point Nepean Road, Sorrento Statement of Significance, February 2022	C262mornPt2
▪ 3482 Point Nepean Road, Sorrento Statement of Significance, June 2022	C291morn
▪ 3720 Point Nepean Road, Portsea Statement of Significance, February 2022	C262mornPt2
▪ Back Beach Road, Portsea Precinct Statement of Significance, February 2022	C262mornPt2
▪ East Sorrento Precinct Statement of Significance, February 2022	C262mornPt2
▪ Sorrento Cliff Top Precinct Statement of Significance, February 2022	C262mornPt2
▪ Sorrento Commercial Precinct Statement of Significance, February 2022	C262mornPt2
▪ Sorrento Foreshore Precinct Statement of Significance, February 2022	C262mornPt2
▪ Sorrento Residential Precinct Statement of Significance, February 2022	C262mornPt2
▪ 39 Graydens Road, Hastings, Statement of Significance, December 2020	C267morn
Sorrento Cemetery Incorporated Plan, February 2021	C262mornPt2
Heritage Design Guidelines: Sorrento Historic Precinct (Expires 30 June 2026)	C306morn

## MORNINGTON PENINSULA PLANNING SCHEME

72.05

31/07/2018  
VC148

## WHEN DID THIS PLANNING SCHEME BEGIN?

This planning scheme began on the date specified in the schedule to this clause.



## MORNINGTON PENINSULA PLANNING SCHEME

31/07/2018  
VC148

SCHEDULE TO CLAUSE 72.05 WHEN DID THIS PLANNING SCHEME BEGIN?

1.0  
31/07/2018  
VC148

Date this planning scheme began:  
6 May 1999

## MORNINGTON PENINSULA PLANNING SCHEME

72.06

31/07/2018  
VC148

## EFFECT OF THIS PLANNING SCHEME

Land may be used or developed only in accordance with this planning scheme.

Land must not be developed unless the land as developed can be used in accordance with this planning scheme.

If this planning scheme allows a particular use of land, it may be developed for that use provided all requirements of the scheme are met.

## MORNINGTON PENINSULA PLANNING SCHEME

72.07

31/07/2018  
VC148

## DETERMINATION OF BOUNDARIES

If a boundary in this planning scheme is not precisely shown on a planning scheme map or is not otherwise defined, the certificate issuing authority must determine the boundary if asked to do so and must notify the applicant within 60 days.

## MORNINGTON PENINSULA PLANNING SCHEME

## 72.08

03/02/2022  
VC199

## BACKGROUND DOCUMENTS

The documents listed in the table and the schedule to this clause are background documents.

A background document may:

- Have informed the preparation of, or an amendment to, this planning scheme.
- Provide information to explain the context within which a provision has been framed.
- Assist the understanding of this planning scheme.

A background document does not form part of this planning scheme.

Table to Clause 72.08

Name of background document	Amendment number - clause reference
Central Highlands Regional Growth Plan (Victorian Government, 2014).	VC106 Clauses 10 to 19
G21 Regional Growth Plan (Geelong Region Alliance, 2013).	VC106 Clauses 10 to 19
Gippsland Regional Growth Plan (Victorian Government, 2014).	VC106 Clauses 10 to 19
Great South Coast Regional Growth Plan (Victorian Government, 2014).	VC106 Clauses 10 to 19
Hume Regional Growth Plan (Victorian Government, 2014).	VC106 Clauses 10 to 19
Loddon Mallee North Regional Growth Plan (Victorian Government, 2014).	VC106 Clauses 10 to 19
Loddon Mallee South Regional Growth Plan (Victorian Government, 2014).	VC106 Clauses 10 to 19
Wimmera Southern Mallee Regional Growth Plan (Victorian Government, 2014).	VC106 Clauses 10 to 19
Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017).	VC134 Clauses 10 to 19
Plan Melbourne 2017-2050: Addendum 2019 (Department of Environment, Land, Water and Planning, 2019).	VC168 Clauses 10 to 19

## MORNINGTON PENINSULA PLANNING SCHEME

31/07/2018  
VC148

## SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0

05/09/2024  
C241morn

## Background documents

Name of background document	Amendment number - clause reference
A Landscape Assessment of the Southern Mornington Peninsula (Centre for Environmental Studies, University of Melbourne, 1974)	NPS1 Clauses 02.03-3, 42.01s01 to s16 and 42.03s05
A Natural Systems Study of the Southern Mornington Peninsula, Victoria (Environment Resources Australia, 1974)	NPS1 Clause 02.03-3 and 42.01s01 to s16
Balcombe Estuary and associated reserves: Ecological and Planning Study (Biosis, 2022)	C241morn Clause 42.01s32 and 66.06s
Baxter Township Structure Plan (Mornington Peninsula Shire, 2019)	C269morn Clause 43.02s25 and Clause 43.02s31
Beleura Hill Design Guidelines (Tract Consultants, 2015)	C189morn Clause 43.02s24
Beleura Hill Neighbourhood Character Study (Tract Consultants, 2014)	C189morn Clause 43.02s24
Citation for 818 The Esplanade, Mornington for Panel Hearing Amendment C90 (Heritage Intelligence, 2008)	C174morn(Part 1) Clause 15.03-1L
City of Frankston Heritage Study, Volume One: Recommendations and Guidelines (Graeme Butler & Associates, C. McConville, F. Gilfedder & D. Morrison, 1995)	C006morn(Part 1) Clause 15.03-1L
City of Frankston Heritage Study, Volume Two: Environmental History (Graeme Butler & Associates, C. McConville, F. Gilfedder & D. Morrison, 1995)	C006morn(Part 1) Clause 15.03-1L
City of Frankston Heritage Study, Volume Three: Significant Sites (Graeme Butler & Associates, C. McConville, F. Gilfedder & D. Morrison, 1995)	C006morn(Part 1) Clause 15.03-1L
Conservation Plan Mornington Peninsula (Western Port Regional Planning Authority, 1975)	NPS1 Clauses 02.03-3, 14.01-2L, 42.01s01 to s16 and 42.01s24.
Draft Chinamans Creek Catchment Study (Pat Condina & Associates, 1997)	C150morn Clause 02.03-3
Dromana Township Project Report (Hansen Partnership, 2021)	C224morn Schedule 29 to Clause 43.02

## MORNINGTON PENINSULA PLANNING SCHEME

Name of background document	Amendment number - clause reference
Extent of Tootgarook Wetland, Mornington Peninsula, Victoria (Biosis, 2019)	C227morn Clause 42.01s31
Flinders Village Centre: Design Guidelines for New Development (Mornington Peninsula Shire, 2010)	C101morn Clause 43.02s14
Former Mornington King George V Memorial Bush Nursing Hospital & Infant Welfare Centre Heritage Assessment, 262-268 Main Street, Mornington, Victoria (Lovell Chen, 2015)	C174morn(Part 1) Clause 43.01s
Geotechnical Assessment of Landslip Susceptibility and Investigation Zoning, Flinders Foreshore, Mornington Peninsula (LanePiper, 2008)	C105morn Clause 13.04-2L
Geotechnical Assessment of Slope Stability, Tanti Creek, Mornington (LanePiper, 2010)	C105morn Clause 13.04-2L
'Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Management', Australian Geomechanics Journal, Vol. 42, No. 1 (Australian Geomechanics Society Landslide Zoning Working Group, 2007)	C105morn Clause 13.04-2L
Hastings District Heritage Study, Volume 1: Heritage Place Reports, Project Methods, Recommendations (Graeme Butler & Associates, 2002)	C035morn Clause 15.03-1L
Hastings District Heritage Study, Volume 2: Environmental History (Graeme Butler & Associates, 2002)	C035morn Clause 15.03-1L
Hastings Town Centre Structure Plan (Planisphere, 2017)	C190morn Clause 11.03-1L
Hastings Urban Industrial Zones Review (Western Port Development Council, 1990)	C004morn Clauses 17.03-1L and 17.03-2L
Heritage Assessment: 187 Mount Eliza Way, Mount Eliza (Heritage Intelligence, 2009)	C174morn(Part 1) Clause 15.03-1L
Heritage citation: Camp Buxton (former), 39-45 Marine Parade and part 47-57 Marine Parade Shoreham by Landmark Heritage Pty Ltd, September 2022	C239morn Clause 43.01s
Heritage citation: Fenton Hall and former Merricks North State School No 4552, 181-181A Bittern-Dromana Road, Merricks North by Landmark Heritage Pty Ltd, September 2022	C239morn Clause 43.01s
Heritage Citation: 118 Salmon Street, Hastings (Context, 2017)	C214morn Clause 15.03-1L
Heritage Citation: 4-6 Rannoch Avenue, Mount Eliza (Mornington Peninsula Shire, 2013)	C170morn Clause 43.01s
Heritage Citation: 95 Salmon Street, Hastings (Context, 2017)	C214morn

## MORNINGTON PENINSULA PLANNING SCHEME

Name of background document	Amendment number - clause reference
	Clause 15.03-1L
Heritage Impact Statement: Former Carrington Park Club House, 40-52 Elizabeth Drive, Rosebud, Appendix A (Lovell Chen, 2014)	C197morn Clause 43.04s22
Heritage Report: Hastings Uniting Church Chapel, 121 Marine Parade, Hastings (Context, 2017)	C214morn Clause 15.03-1L
Heritage Report: Pentecost House, Now Mornington Toy Library, 8 Albert Street, Mornington (Graeme Butler & Associates, 2003)	C174morn(Part 1) Clause 15.03-1L
Heritage Report: St Macartan's Former School and Convent Site, 17-31 Tanti Avenue, Mornington (Heritage Intelligence, 2009)	C109morn Clause 43.01s
Landscape Issues Report: Tower Road, Mount Eliza (Wallbrink Consulting, 2004)	C042morn Clause 43.02s11
Landslide Zoning, Ballar Creek, Mount Eliza, Victoria (Coffey Geosciences, 2000)	C017morn Clauses 02.03-3 and 13.04-2L
Mornington Activity Centre Structure Plan: A Plan for a Coastal Town (Ratio Consultants, 2007)	C095morn Clauses 11.03-1L and 43.01s13
Mornington Commercial Heritage Precinct and Individual Places (Heritage Intelligence, 2011)	C135morn(Part 2) Clause 15.03-1L
Mornington North Outline Development Plan (Mornington Peninsula Shire, 2013)	C135morn(Part 2) Clauses 11.03-6L, 43.02s22 and 43.04s19
Mornington Peninsula Activity Centres Strategy (Ratio Consultants, 2005)	C084morn Clauses 02.03-1 and 11.03-1L
Mornington Peninsula Investigation Areas Study: Mount Martha Discussion Paper (Hansen Partnership, 2015)	C189morn Clause 43.02s02
Mornington Peninsula Major Activity Centres: Hastings Major Activity Centre Parking Precinct Plan (GTA Consultants now Stantec, 2021)	C281morn Clause 45.09s01
Mornington Peninsula Major Activity Centres: Mornington Major Activity Centre Parking Precinct Plan (GTA Consultants now Stantec, 2021)	C281morn Clause 45.09s01
Mornington Peninsula Major Activity Centres: Rosebud Major Activity Centre Parking Precinct Plan (GTA Consultants now Stantec, 2021)	C281morn Clause 45.09s01
Mornington Peninsula Shire Heritage Review, Area 1: Mount Eliza, Mornington and Mount Martha – Background Report (Mornington Peninsula Shire, 2013)	C174morn(Part 1) Clause 15.03-1L

## MORNINGTON PENINSULA PLANNING SCHEME

Name of background document	Amendment number - clause reference
Mornington Peninsula Shire Heritage Review, Area 1: Mount Eliza, Mornington and Mount Martha – Significant Place Citations (Mornington Peninsula Shire, 2014)	C174morn(Part 1) Clause 15.03-1L
Mornington Peninsula Shire Heritage Review, Area 2: Volume 2 – Place and Precinct Citations (Context, 2017)	C214morn Clause 15.03-1L
Mornington Peninsula Shire Heritage Review, Area 3: Volume 1 - Key Findings and Recommendations(Heritage Alliance, July 2019, revised June 2022)	C291morn Clause 72.04s
Mornington Peninsula Shire Heritage Review, Area 3: Volume 2 - Citations (Heritage Alliance, July 2019, revised June 2022)	C291morn Clause 72.04s
Mornington Peninsula Shire Thematic History by (Context, 2013)	C174morn(Part 1) Clause 15.03-1L
Planning for Sea Level Rise – Guidelines: Port Phillip and Westernport Region (Melbourne Water, 2017)	C216morn Clause 44.04s01
‘Practice Note Guidelines for Landslide Risk Management’, Australian Geomechanics Journal, Vol. 42, No. 1 (B. Walker, W. Davies & F. Wilson, 2007).	C105morn Clauses 13.04-2L, 44.01s04 and 44.01s05
Recognising the Heritage of Ranelagh: Conservation Management Plan for the Ranelagh Estate, Mount Eliza (Context, 2009)	C135morn(Part 2) Clause 15.03-1L
Red Hill South Commercial Centres Strategy (Ratio Consultants, 1991)	C004morn Clause 11.03-1L
Responsible Electronic Gaming (EGM) Policy (Mornington Peninsula Shire, 2016)	C200morn Clause 52.28s
Rosebud Activity Centre Structure Plan (Hansen Partnership, 2017)	C206morn Clause 11.03-1L
Rye Township Plan (Realm Studios, July 2020)	C275morn Clause 43.02s58
Rye Urban Design Guidelines (Mornington Peninsula Shire, August 2020)	C275morn Clause 43.02s58
Somerville Township Structure Plan (Mornington Peninsula Shire, 2019)	C269morn Clause 43.02s30
Shire of Flinders Heritage Study: Caring for Our Heritage (Context, C. Kellaway & H. Lardner, 1992)	C006morn(Part 1) Clause 15.03-1L
Shire of Flinders Heritage Study: History and Heritage (Context, C. Kellaway & H. Lardner, 1992)	C006morn(Part 1) Clause 15.03-1L



## MORNINGTON PENINSULA PLANNING SCHEME

Name of background document	Amendment number - clause reference
Shire of Flinders Heritage Study: Inventory of Significant Places (Context, C. Kellaway & H. Lardner, 1997)	C006morn(Part 1) Clause 15.03-1L
Shire of Hastings Commercial Centres Strategy (Ratio Consultants, 1991)	NPS1 Clause 43.04s03
Shire of Mornington Heritage Study, Volume 1: Recommendations and Guidelines (Graeme Butler & Associates, 1994)	C006morn(Part 1) Clause 15.03-1L
Shire of Mornington Heritage Study, Volume 2: Environmental History (Graeme Butler & Associates, 1994)	C006morn(Part 1) Clause 15.03-1L
Shire of Mornington Heritage Study, Volume 3: Significant Sites and Areas (Graeme Butler & Associates, 1994)	C006morn(Part 1) Clause 15.03-1L
Shoreham Design Guidelines (Hansen Partnership, 2007)	C103morn Clause 43.02s15
Sorrento Streetscape Guidelines (Jacobs Lewis Vines, 1981)	C023morn Clause 72.04s
Sorrento Townscape Study (Centre for Environmental Studies, University of Melbourne, 1979)	C023morn Clause 72.04s
South East Region Gaming Policy Framework (Coomes Consulting, 2007)	C200morn Clause 52.28s
'Spring Farm' Moorooduc Heritage Assessment: 245 Mornington-Tyabb Road, Moorooduc (Heritage Intelligence, 2009)	C174morn(Part 1) Clause 15.03-1L
Statement of Significance – 15 Finlayson Avenue, Mount Martha, October 2011	C174morn(Part 1) Clauses 15.03-1L and 43.01s
Statement of Significance – 2456 Point Nepean Road, Rye, 2011	C109morn Clause 43.01s
Statement of Significance – Finders Village Centre, November 2009	C188morn(Part 1) Clause 43.01s
The Preservation of the Mornington Peninsula and Western Port (National Trust of Australia (Victoria), 1974)	C004morn Clauses 02.03-2, 02.03-3 and 12.01-1L
Tootgarook Wetland Management Plan (BMT, 2018)	C227morn Clause 42.01s31
Westernport Bay Environmental Study 1973-1974 (Ministry for Conservation, 1975)	NPS1 Clause 02.03-8

# MORNINGTON PENINSULA PLANNING SCHEME

Name of background document	Amendment number - clause reference
Westernport Region Conservation Survey (Conservation Council of Victoria, 1974)	NPS1 Clauses 02.03-3 and 42.01s01 to s16

## MORNINGTON PENINSULA PLANNING SCHEME

73

11/04/2019  
VC156

## MEANING OF TERMS

A term used in this planning scheme has its ordinary meaning unless that term is defined:

- In this planning scheme or
- In the Planning and Environment Act 1987 or the Interpretation of Legislation Act 1984 in which case the term has the meaning given to it in those Acts unless it is defined differently in this scheme.

## MORNINGTON PENINSULA PLANNING SCHEME

73.01

14/12/2023  
VC253

## GENERAL TERMS

The following table lists general terms which may be used in this planning scheme. A term listed in the first column, under the heading "General term", has the meaning set out beside that term in the second column, under the heading "Definition".

General term	Definition
Act	The Planning and Environment Act 1987.
Agricultural production	Any form of primary production of renewable commodities. It does not include extractive industry, Mineral extraction, or timber production from native forest.
Anemometer	A wind measuring device.
Apartment	A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.
Approval date	The date this scheme began, or the date of notice in the Victoria Government Gazette of approval of an amendment to this scheme.
Basement	A storey below ground level, or that projects no more than 1.2 metres above ground level.
Building height	The vertical distance from natural ground level to the roof or parapet at any point.
Building Regulations	The Building Regulations 1994.
Carriageway	The area of a street reserve which is provided for the movement or parking of vehicles. It is determined by the invert of a kerb and channel and the point adjacent to the pavement edge for kerb (only) and edge strips.
Central Highlands region	The area covered by the Ararat, Ballarat, Golden Plains, Hepburn, Moorabool and Pyrenees planning schemes.
Clear to the sky	An unroofed area or area roofed with material that transmits 90 per cent of light.
Defendable space	An area of land around a building where vegetation is modified and managed to reduce the effects of flame contact and radiant heat associated with bushfire.
Deflection angle	The angle between two tangent sections of a carriageway.
Design speed	The speed fixed for the design and correlation of the geometric features of a carriageway that influence vehicle operation. It is the speed which is not exceeded by 85 per cent of vehicles.
Domestic services normal to a dwelling or small second dwelling	A domestic appliance or apparatus that is normal to and services a dwelling or small second dwelling. It includes disabled access ramps and handrails, an air conditioner, cooling or heating system, a hot water service, security systems and cameras, shade sails, a barbeque, downpipes and flues, a skylight, security screens, and the like.
Earthworks	Land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures.
Frontage	The road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces.
Gaming	The playing of a gaming machine.

## MORNINGTON PENINSULA PLANNING SCHEME

General term	Definition
Gaming machine	Has the same meaning as it has in the Gambling Regulation Act 2003.
Garden area	Any area on a lot with a minimum dimension of 1 metre that does not include: <ul style="list-style-type: none"> <li>a) a dwelling, small second dwelling or residential building, except for:               <ul style="list-style-type: none"> <li>▪ an eave, fascia or gutter that does not exceed a total width of 600mm;</li> <li>▪ a pergola;</li> <li>▪ unroofed terraces, patios, decks, steps or landings less than 800mm in height;</li> <li>▪ a basement that does not project above ground level;</li> <li>▪ any outbuilding that does not exceed a gross floor area of 10 square metres; and</li> <li>▪ domestic services normal to a dwelling, small second dwelling or residential building;</li> </ul> </li> <li>b) a driveway; or</li> <li>c) an area set aside for car parking.</li> </ul>
Geelong G21 region	The area covered by the Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast planning schemes.
Gippsland region	The area covered by the Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington planning schemes.
Great South Coast region	The area covered by the Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool planning schemes
Gross floor area	The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.
Ground level	The natural level of a site at any point.
Habitable room	Any room of a dwelling, small second dwelling or residential building other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.
High quality productive agricultural land	Land which is used for animal husbandry or crop raising, and is capable of continuing to sustain agricultural production, and: <ul style="list-style-type: none"> <li>a) is of prime, or very good, agricultural quality, having regard to soil type, growing season, and availability of infrastructure, and is of sufficient extent to support agricultural activities on an economically viable scale; or</li> <li>b) has been identified through a regional, sub-regional, or local study as being of particularly good quality and strategic significance for agriculture in the regional or local context.</li> </ul>
Hume region	The area covered by the Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga planning schemes.
Land capability assessment	The assessment of the physical ability of the land to sustain specific uses having regard to its management, and without long term on-site detriment to the environment.

## MORNINGTON PENINSULA PLANNING SCHEME

General term	Definition
Leasable floor area	That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.
Loddon Mallee North region	The area covered by the Buloke, Campaspe, Gannawarra, Mildura and Swan Hill planning schemes.
Loddon Mallee South region	The area covered by the Central Goldfields, Greater Bendigo, Loddon, Macedon Ranges and Mount Alexander planning schemes.
Lot	A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.
Mean building height	The vertical distance between the mean ground level and the finished roof height at its highest point.
Mean ground level	One half the sum of the highest and lowest levels along ground level of the outer surface of all external building walls.
Metropolitan Melbourne	The area covered by the Banyule, Bayside, Boroondara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Merri-bek, Monash, Moonee Valley, Mornington Peninsula, Nillumbik, Port of Melbourne, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra and Yarra Ranges Planning Schemes and the area within the urban growth boundary in the Mitchell Planning Scheme.
Mineral	Any substance which occurs naturally as part of the earth's crust, including: <ul style="list-style-type: none"> <li>a) oil shale and coal; and</li> <li>b) hydrocarbons and mineral oils contained in oil shale or coal, or extracted from oil shale or coal by chemical or industrial processes.</li> </ul> It does not include water, stone, or petroleum.
Minister for Planning	A Minister for the time being administering the Act.
Movable building	A structure, other than a tent, caravan, or vehicle, which is designed to be moved from place to place on more than one occasion.
Native vegetation	Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses.
Net floor area	The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.
Plot ratio	The gross floor area of all buildings on a site, divided by the area of the site.
Potentially contaminated land	Land: <ul style="list-style-type: none"> <li>a) used or known to have been used for industry or mining;</li> <li>b) used or known to have been used for the storage of chemicals, gas, waste or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land); or</li> </ul>

## MORNINGTON PENINSULA PLANNING SCHEME

General term	Definition
	c) where a known past or present activity or event (occurring on or off the land) may have cause contamination of the land.
Private open space	An outdoor area of a dwelling, small second dwelling or residential building or land for the exclusive use of the occupants.
Property vegetation plan	A plan which relates to the management of native vegetation within a property, and which is contained within an agreement made pursuant to section 69 of the Conservation, Forests and Lands Act 1987.
Public land manager	The Minister, government department, public authority or municipal council having responsibility for the care or management of public land. In relation to Crown land reserved under an Act and managed or controlled by a committee of management, other than Parks Victoria, the Great Ocean Road Coast and Parks Authority or a municipal council, it means the Minister administering that Act and does not include the committee of management.
Radio mast	<p>A mast, for radio transmission or reception in a dwelling or small second dwelling, that is:</p> <p>a) with antenna, more than 14 metres above the ground;</p> <p>b) if attached to a building, with antenna, more than 5 metres above the roof line;</p> <p>c) including antenna, wider than 6 metres; or</p> <p>d) excluding antenna, wider than 50 centimetres at any point exceeding 3 metres above the ground.</p>
Retail	The sale of goods or materials, in any quantity or manner, other than by wholesale.
Secluded private open space	That part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.
Setback	The minimum distance from any allotment boundary to a building.
Site coverage	The proportion of a site covered by buildings.
Stone	Basalt, freestone, granite, limestone, sandstone, or other building stone, or rock, ordinarily used for building, manufacturing, road making, or construction; or clay (not fine clay, bentonite, or kaolin), earth, gravel, quartz (not quartz crystals), sand, soil, slate, or other similar material.
Storey	That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.
Stormwater	The net increase in run-off from urban development due to water not being able to seep into the ground because of impervious surfaces, such as roofs and roads.
Street leg length	The distance between street intersections or junctions, or points and locations where vehicles must slow down, usually to a maximum speed of 20 kilometres per hour.
Street reserve	Land set aside for a street pavement and verge.

## MORNINGTON PENINSULA PLANNING SCHEME

General term	Definition
Sustainable agriculture	<p>The use of farming practices and systems which maintain or enhance:</p> <ul style="list-style-type: none"> <li>a) the economic viability of agricultural production;</li> <li>b) the natural resource base; and</li> <li>c) other ecosystems which are influenced by agricultural activities.</li> </ul>
Telecommunications line	A wire, cable, optic fibre, tube, conduit, waveguide or other physical medium used, or to be used, as a continuous artificial guide for or in connection with carrying communications by means of guided electromagnetic energy.
Telecommunications network	A system or series of systems that carries, or is capable of carrying, communications by means of guided and unguided electromagnetic energy.
Telecommunications tower	A free-standing tower, pole or mast used as part of a telecommunications network that is not mounted on, or affixed to, any other structure.
Tenement	<p>Land comprised in:</p> <ul style="list-style-type: none"> <li>a) a lot which does not adjoin another lot in the same ownership; or</li> <li>b) lots in the same ownership and which adjoin each other.</li> </ul> <p>Lots are considered to adjoin each other if they are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve.</p>
Transport manager	<ul style="list-style-type: none"> <li>(a) a Minister; or</li> <li>(b) government department; or</li> <li>(c) Administrative Office under the Public Administration Act 2004; or</li> <li>(d) public authority; or</li> <li>(e) any person -</li> </ul> <p>that has responsibility under an Act for the care or management of land that forms part of Victoria's transport system.</p>
Transport system	<p>All of the components that make up the system for the movement and transport of people and goods including:</p> <ul style="list-style-type: none"> <li>▪ Movement networks including cycling paths, footpaths, roads, railways, shipping lanes, tramways and water transport routes.</li> <li>▪ Transport interchanges for accessing, disembarking, unloading and interchange of people and goods, and for the storage of freight and vehicles. This includes transport terminals and public transport stops.</li> <li>▪ Infrastructure required to operate movement networks and transport interchanges.</li> <li>▪ Land reserved for the future development of movement networks and transport interchanges.</li> </ul>
Utility service provider	A person, other than a public authority or municipal council, having responsibility under an Act for the generation, transmission, distribution or supply of electricity, gas, power, telecommunications, water supply, drainage or sewerage services.



## MORNINGTON PENINSULA PLANNING SCHEME

General term	Definition
Verge	The part of the street reserve between the carriageway and the boundary of adjacent lots or other limit to the street reserve. It may accommodate public utilities, a footpath, indented parking, stormwater flows, street lighting poles and planting.
Wall height	The vertical distance between the top of the eaves at the wall line, parapet or flat roof (not including a chimney), whichever is the highest, and the natural ground level.
Wholesale	The sale of goods or materials, to be sold by others.
Wimmera Southern Mallee region	The area covered by the Hindmarsh, Horsham, Northern Grampians, West Wimmera and Yarriambiack planning schemes.

## MORNINGTON PENINSULA PLANNING SCHEME

## 73.02

31/07/2018  
VC148

## SIGN TERMS

The following table lists terms which may be used in this planning scheme in relation to signs. A term listed in the first column, under the heading "Sign term", has the meaning set out beside that term in the second column, under the heading "Definition".

Sign term	Definition
Above-verandah sign	A sign above a verandah or, if no verandah, that is more than 3.7 metres above pavement level, and which projects more than 0.3 metre outside the site.
Display area	The area of that part of a sign used to display its content, including borders, surrounds and logo boxes.  It does not include safety devices, platforms and lighting structures.  If the sign does not move or rotate, the area is one side only.
Animated sign	A sign that can move, contains moving or scrolling parts, changes its message, flashes, or has a moving or flashing border.
Bed and breakfast sign	A sign at a dwelling that advertises bed and breakfast accommodation in the dwelling.
Bunting sign	An advertisement that consists of bunting, streamers, flags, windvanes, or the like.
Business identification sign	A sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.
Direction sign	A sign not exceeding 0.3 square metre that directs vehicles or pedestrians. It does not include a sign that contains commercial information.
Electronic sign	A sign that can be updated electronically. It includes screens broadcasting still or moving images.
Floodlit sign	A sign illuminated by external lighting provided for that purpose.
High-wall sign	A sign on the wall of a building so that part of it is more than 10 metres above the ground.
Home based business sign	A sign at a dwelling that advertises a home based business carried on in the dwelling, or on the land around the dwelling.
Internally illuminated sign	A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement.
Major promotion sign	A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.
Panel sign	A sign with an advertisement area exceeding 10 square metres.
Pole sign	A sign:  a) on a pole or pylon that is not part of a building or another structure;  b) that is no more than 7 metres above the ground;

## MORNINGTON PENINSULA PLANNING SCHEME

Sign term	Definition
	c) with an advertisement area not exceeding 6 square metres; and d) that has a clearance under it of at least 2.7 metres.
Promotion sign	A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.
Reflective sign	A sign finished with material specifically made to reflect external light.
Sign	Includes a structure specifically built to support or illuminate a sign.
Sky sign	A sign: a) on or above the roof of a building, but not a verandah; b) fixed to the wall of a building and which projects above the wall; or c) fixed to a structure (not a building) so that part of it is more than 7 metres above the ground.

## MORNINGTON PENINSULA PLANNING SCHEME

## 73.03

15/03/2024  
VC256

## LAND USE TERMS

The table to this clause lists terms which may be used in this planning scheme in relation to the use of land. A term describing a use or activity in relation to land which is not listed in the table must not be characterised as a separate use of land if the term is obviously or commonly included within one or more of the terms listed in the table.

## Meaning of terms

A term listed in the first column, under the heading "Land use term", has the meaning set out beside that term in the second column, under the heading "Definition".

## No definition of listed term indicates ordinary meaning

A term listed in the first column, under the heading "Land use term", which does not have a meaning set out beside that term in the second column, under the heading "Definition", has its ordinary meaning.

## Terms which specifically include other listed terms

A term listed in the first column, under the heading "Land use term", which has other terms listed beside it in the third column, under the heading "Includes", includes any terms listed in the third column and any term included within that term in the third column, but does not include any other term listed in the first column.

A term listed in the first column which has other terms listed beside it in the third column may also include other terms which are not listed in the first column.

All terms listed in the third column are also listed in the first column.

## Terms which do not specifically include other listed terms

If a term listed in the first column, under the heading "Land use term", does not have any term listed beside it in the third column, under the heading "Includes", that term does not include any term listed in the first column.

However, a term listed in the first column which does not have any term listed beside it in the third column may include other terms which are not listed in the first column.

## Terms which are included within other listed terms

A term listed in the first column, under the heading "Land use term", which has a term listed beside it in the fourth column, under the heading "Included in", is included within the term so listed in the fourth column and any term which includes that term in the fourth column.

All terms listed in the fourth column are also listed in the first column.

## Terms which are not included within other listed terms

If a term listed in the first column, under the heading "Land use term", does not have a term listed beside it in the fourth column, under the heading "Included in", that term is not included within any other term listed in the first column.

Table to Clause 73.03

Land use term	Definition	Includes	Included in
Abattoir	Land used to slaughter animals, including birds. It may include the processing of animal products.		Rural industry
Accommodation	Land used to accommodate persons.	Camping and caravan park	

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
		Corrective institution Dwelling Group accommodation Host farm Residential aged care facility Residential building Residential village Retirement village Small second dwelling	
Adult sex product shop	Land used to sell or hire sexually explicit material, including: a) publications classified as restricted under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995; and b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.		Shop
Agriculture	Land used to: a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables; b) keep, breed, board, or train animals, including livestock, and birds; or c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.	Animal husbandry Aquaculture Crop raising	
Airport			Transport terminal
Amusement park			Outdoor recreation facility
Amusement parlour	A building that contains: a) three or more coin, card, or token operated amusement machines;		Place of assembly

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	<p>b) one or more coin, card, or token operated amusement machines with more than one screen or console that can be played by three or more people simultaneously; or</p> <p>c) two or more coin, card, or token operated billiard, snooker, or pool tables.</p> <p>It does not include coin, card, or token operated children's rides, amusement machines if there is the ability to receive a monetary reward, or premises used for a Bar or Hotel.</p>		
Animal husbandry	Land used to keep, breed, board, or train animals, including birds.	Animal production Animal training Apiculture Domestic animal husbandry Horse husbandry Racing dog husbandry	Agriculture
Animal production	Land used to keep or breed farm animals for the production of livestock, eggs, fibre, meat, milk or other animal products.	Grazing animal production Intensive animal production Pig farm Poultry farm Poultry hatchery	Animal husbandry
Animal training	Land used to train animals, other than domestic animals, horses, or racing dogs.		Animal husbandry
Apiculture	Land used to keep honeybee hives and to extract honey or other bee hive products.		Animal husbandry
Aquaculture	Land used to keep or breed aquatic animals, or cultivate or propagate aquatic plants.		Agriculture
Art and craft centre	Land used to manufacture, display, and sell, works of art or craft, such as handicrafts, paintings, and sculptures.		

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
Art gallery	Land used to display works of art, including ceramics, furniture, glass, paintings, screen based art, sculptures, and textiles.		Exhibition centre
Automated collection point	A building with a gross floor area of no more than 100 square metres, used as an automated collection point as defined in the Circular Economy (Waste Reduction and Recycling) Act 2021.		Transfer station
Bank			Office
Bar	Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.		Food and drink premises
Beauty salon			Shop
Bed and breakfast	A dwelling used, by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence.		Dwelling
Betting agency	Land used for gambling by wagering, and where there is the ability to receive a monetary reward.		Gambling premises
Boat and caravan storage	Land used to store boats, caravans, or vehicle-towed boat trailers.		Store
Boat launching facility	Land used to launch boats into the water and to retrieve boats from the water.	Boat ramp slipway	Recreational boat facility
Boat ramp			Boat launching facility
Bottle shop	Land used to sell packaged liquor for consumption off the premises.		Shop
Broiler farm	Land used to keep broiler chickens for the production of meat.		Poultry farm
Bus terminal			Transport terminal
Camping and caravan park	Land used to allow accommodation in caravans, cabins, tents, or the like.		Accommodation

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
Caretaker's house	A dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation, or plant.		Dwelling
Carnival	Land, other than an Exhibition centre or trade fair, used for a temporary fair or amusements which provide entertainment such as side shows, merry-go-rounds, and stalls for games or snacks.		Place of assembly
Car park	Land used to park motor vehicles. It may include charging of electric vehicles.		
Car sales			Motor vehicle, boat, or caravan sales
Car wash			Service industry
Cattle feedlot	Land used for a cattle feedlot as defined by the Victorian Code for Cattle Feedlots 1995.		Intensive animal production
Cemetery	Land used to dispose of human remains by burial. It may include funeral chapels or the like.		
Child care centre	Land used to care for five or more children who are not permanently resident on the land.	Kindergarten	Education centre
Cinema	Land used to provide screen based entertainment or information to the public.		Place of assembly
Cinema based entertainment facility	Land used to provide screen based entertainment or information to the public, in association with the provision of meals or sporting, amusement, entertainment, leisure or retail facilities.		Place of assembly
Circus	Land used, by performers, to provide entertainment such as acrobatic feats, tricks of skill, and exhibiting animals.		Place of assembly
Commercial display area	Land used only to display goods.		Warehouse
Community care accommodation	Land used to provide accommodation and care services. It includes permanent, temporary		Residential building



## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	and emergency accommodation. It may include supervisory staff and support services for residents and visitors.		
Conference centre			Function centre
Container deposit scheme centre	Land used to collect, consolidate, temporarily store, sort or recover materials under Victoria's Container Deposit Scheme by a network or collection point operator in accordance with the Circular Economy (Waste Reduction and Recycling) Act 2021. The centre may incorporate a reverse vending machine, automated collection point, drop off point and over the counter refunds.		Transfer station
Convenience restaurant	Land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises.		Food and drink premises
Convenience shop	A building with a leasable floor area of no more than 240 square metres, used to sell food, drinks, and other convenience goods. It may also be used to hire convenience goods.		Shop
Corrective institution	Land used to hold and reform persons committed to it by the courts, such as a prison, remand centre, and other type of detention facility.		Accommodation
Crematorium	Land used to cremate human remains. It may include funeral chapels or the like.		
Crop raising	Land used to propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables.	Horticulture Rice growing Timber production	Agriculture
Dance studio			Indoor recreation facility
Data centre			Utility installation
Department store			Shop

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
Display home centre	One or more buildings constructed as a dwelling, but used for display, to encourage people to buy or construct similar dwellings. It may include a sales office.		
Dog breeding			Domestic animal husbandry
Domestic animal boarding	Land used to board domestic animals, such as boarding kennels and a cattery. It includes domestic animal day care.		Domestic animal husbandry
Domestic animal husbandry	Land used to keep, breed, board or train domestic animals.	Dog breeding Domestic animal boarding	Animal husbandry
Drive-in theatre			Place of assembly
Dry cleaner	Land used to professionally clean or launder clothing or household articles. It may include the use of dry cleaning processes.		Service industry
Dry cleaning agent	Land used to arrange for professional cleaning or laundering of clothing or household articles predominantly at another location. It does not include the use of dry cleaning processes on the land.		Shop
Dwelling	A building used as a self-contained residence which must include: a) a kitchen sink; b) food preparation facilities; c) a bath or shower; and d) a toilet and wash basin.  It includes outbuildings and works normal to a dwelling.	Bed and breakfast Caretaker's house	Accommodation
Education centre	Land used for education.	Child care centre Employment training centre Primary school Secondary school Tertiary institution	

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
Earth and energy resources industry	Land used for the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation.	Extractive industry Greenhouse gas sequestration Greenhouse gas sequestration exploration Geothermal energy exploration Geothermal energy extraction Mining Mineral exploration Petroleum exploration Petroleum production Stone exploration	
Electoral office	An office used for electioneering by a candidate in a local, State, or Federal Government election.		Office
Electorate office	An office used by a State or Federal Member of Parliament to conduct their representative duties.		Office
Emergency services facility	Land used to provide facilities for emergency services, such as fire prevention and ambulance services. It may include administrative, operational or storage facilities associated with the provision of emergency services.		
Employment training centre			Education centre
Energy generation facility	Land used to generate energy for use off site other than geothermal energy extraction. It includes any building or other structure or thing used in or in connection with the generation of energy.	Renewable energy facility Waste-to-energy facility	
Equestrian supplies			Restricted retail premises
Exhibition centre	Land used to display works of art, artefacts, or historical, cultural, or other like works or artefacts.	Art gallery Museum	Place of assembly

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
Extractive industry	<p>Land used for the extraction or removal of stone from land for commercial use, or to use the stone for building, construction, road or manufacturing works.</p> <p>It includes:</p> <ul style="list-style-type: none"> <li>the rehabilitation of the land; and</li> <li>the treatment of stone (such as crushing and processing) or the manufacture of bricks, tiles, pottery, or cement or asphalt products on, or adjacent to, the land from which the stone is extracted or removed.</li> </ul>		Earth and energy resources industry
Food and drink premises	Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.	Bar Convenience restaurant Hotel Restaurant Take away food premises	Retail premises
Freeway service centre	Land which has direct access to a freeway and is used to provide essential services and facilities which encourage drivers to stop and take an effective break in the interests of driver safety.		
Freezing and cool storage			Store
Fuel depot	Land used to store, sell, and distribute fuel.	Liquid fuel depot Solid fuel depot	Warehouse
Function centre	Land used, by arrangement, to cater for conferences, private functions, and in which food and drink may be served. It may include entertainment and dancing.	Conference centre Reception centre	Place of assembly
Funeral parlour	Land used to organise and conduct funerals, memorial services, or the like. It includes the storage and preparation of bodies for burial or cremation.		
Gambling premises	Land used for gambling by gaming or wagering, and where there is the ability to receive a monetary reward.	Betting agency Gaming premises	Retail premises

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
Gaming premises	Land used for gambling by gaming, and where there is the ability to receive a monetary reward.		Gambling premises
Garden supplies	Land used to sell and distribute garden supplies such as sand, soil, railway sleepers, screenings, rock, and the like.		Landscape gardening supplies
Geothermal energy exploration	Land used for geothermal energy exploration as defined in the Geothermal Energy Resources Act 2005.		Earth and energy resources industry
Geothermal energy extraction	Land used for geothermal energy extraction as defined in the Geothermal Energy Resources Act 2005.		Earth and energy resources industry
Golf course			Outdoor recreation facility
Golf driving range			Outdoor recreation facility
Grazing animal production	<p>Land used for animal production where the animals' food is obtained by directly grazing, browsing or foraging plants growing on the land.</p> <p>It includes:</p> <ul style="list-style-type: none"> <li>▪ emergency, seasonal and supplementary feeding;</li> <li>▪ the incidental penning, feeding and housing of animals for weaning or other husbandry purposes.</li> </ul> <p>In this definition:</p> <p>Emergency feeding means providing feed to animals when an emergency event such as a flood, bushfire or biosecurity event, restricts or prevents the animals from grazing, browsing or foraging plants growing on the land;</p> <p>Seasonal feeding means providing feed to animals when seasonal conditions, including drought, restrict or prevent the animals from grazing, browsing or foraging plants growing on the land;</p>		Animal production

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	Supplementary feeding means providing feed to animals to supplement the food the animals obtain by directly grazing, browsing or foraging plants growing on the land.		
Greenhouse gas sequestration	Land used for greenhouse gas substance injection and monitoring as defined in the Greenhouse Gas Geological Sequestration Act 2008.		Earth and energy resources industry
Greenhouse gas sequestration exploration	Land used for greenhouse gas sequestration formation exploration as defined in the Greenhouse Gas Geological Sequestration Act 2008.		Earth and energy resources industry
Group accommodation	Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.		Accommodation
Hairdresser			Shop
Hall			Place of assembly
Helicopter landing site	Land used for the take-off and landing of a helicopter, with or without a permanent landing pad, but without permanent facilities for the assembly and distribution of goods or passengers.		
Heliport			Transport terminal
Home based business	An occupation carried on in a dwelling, or on the land around a dwelling, by a resident of the dwelling. It may include a use defined elsewhere.		
Horse husbandry	Land used to keep, breed, board or train horses.	Horse riding school Horse stables	Animal husbandry
Horse riding school			Horse husbandry
Horse stables			Horse husbandry
Horticulture	Land used to propagate, cultivate, or harvest flowers, fruit, vegetables, vines, or the like.	Market garden	Crop raising

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
Hospital	Land used to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to persons admitted as in-patients. It may include the care or treatment of out-patients.		
Host farm	An agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes.		Accommodation
Hotel	Land used to sell liquor for consumption on and off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.		Food and drink premises
Indoor recreation facility	A building used for indoor leisure, recreation, or sport.	Dancing studio	Minor sports and recreation facility
Industry	<p>Land used for any of the following operations:</p> <p>a) any process of manufacture;</p> <p>b) dismantling or breaking up of any article;</p> <p>c) treating waste materials;</p> <p>d) winning clay, gravel, rock, sand, soil, stone, or other materials;</p> <p>e) laundering, repairing, servicing or washing any article, machinery, or vehicle, other than on-site work on a building, works, or land; or</p> <p>f) any process of testing or analysis.</p> <p>If on the same land as any of these operations, it also includes:</p> <p>a) storing goods used in the operation or resulting from it;</p> <p>b) providing amenities for people engaged in the operation;</p> <p>c) selling by wholesale, goods resulting from the operation; and</p> <p>d) accounting or administration in connection with the operation.</p>	<p>Materials recycling</p> <p>Refuse disposal</p> <p>Transfer station</p> <p>Research and development centre</p> <p>Rural industry</p> <p>Service industry</p>	

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	If Materials recycling, goods resulting from the operation may be sold by retail.		
Informal outdoor recreation	Land open to the public and used by non-paying persons for leisure or recreation, such as a cycle track, park, picnic or barbecue area, playground, plaza, and walking or jogging track.		Minor sports and recreation facility
Intensive animal production	Land used for animal production where the animals' food is imported from outside the immediate building, enclosure, paddock or pen.  It does not include: <ul style="list-style-type: none"> <li>an abattoir or sale yard; or</li> <li>grazing animal production, pig farm, poultry farm or poultry hatchery.</li> </ul>	Cattle feedlot Intensive dairy farm	Animal production
Intensive dairy farm	Land used for intensive animal production where cattle are kept or bred for the production of milk.		Intensive animal production
Interpretation centre	A facility that assists in the public understanding of the natural or cultural environment.		
Jetty			Marina
Kindergarten			Child care centre
Landscape gardening supplies	Land used to propagate, grow, and sell plants, or sell and distribute garden supplies.	Garden supplies Plant nursery	Retail premises
Laundromat	Land used to clean or launder clothing or household items using self-service machines.		Shop
Leisure and recreation	Land used for leisure, recreation, or sport.	Major sports and recreation facility Minor sports and recreation facility Motor racing track	
Library			Place of assembly
Liquid fuel depot	Land used to store, sell by wholesale, and distribute fuel.		Fuel depot



## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
Mail centre	Land used to sort mail for distribution.		Warehouse
Major sports and recreation facility	Land used for leisure, recreation or sport, and where there is substantial provision made for spectators, such as a grandstand, and to which spectators are usually charged admission.	Race course	Leisure and recreation
Manufacturing sales	Land used, as an incidental part of an industry, to retail goods made materially different on the land by that industry.		Retail premises
Marina	Land used to moor boats, or store boats above or adjacent to the water. It may include boat recovery facilities, and facilities to repair, fuel, and maintain boats and boat accessories.	Jetty Mooring pole Pier Pontoon	Recreational boat facility
Market	Land used to sell goods, including foodstuffs, from stalls.		Retail premises
Market garden			Horticulture
Materials recycling	Land used to dismantle, treat, process, store, recycle, or sell refuse, used or surplus materials.		Industry
Medical centre	Land used to provide health or surgical services (including preventative care, diagnosis, medical and surgical treatment, pathology services, and counselling) to out-patients only.		Office
Milk depot	Land used to receive milk and milk products for distribution to consumers, but where milk is not processed or pasteurised.		Warehouse
Mineral exploration	Land used for exploration as defined in the Mineral Resources (Sustainable Development) Act 1990.		Earth and energy resources industry
Mining	Land used for mining as defined in the Mineral Resources (Sustainable Development) Act 1990.		Earth and energy resources industry
Minor sports and recreation facility	Land used for leisure, recreation, or sport, without substantial provision for spectators, and which is usually open to non-paying spectators.	Indoor recreation facility	Leisure and recreation

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
		Informal outdoor recreation Open sports ground Outdoor recreation facility Restricted recreation facility	
Minor utility installation	Land used for a utility installation comprising any of the following: a) sewerage or water mains; b) storm or flood water drains or retarding basins; c) flow measurement device or a structure to gauge waterway flow; d) siphons, water storage tanks, disinfection booster stations and channels; e) gas mains providing gas directly to consumers; f) a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood; g) a pumping station required to serve a neighbourhood; h) power lines designed to operate at less than 220,000 volts but excluding any power lines directly associated with an Energy generation facility or Geothermal energy extraction; i) an electrical sub-station designed to operate at no more than 66,000 volts but excluding any sub-station directly associated with an Energy generation facility or Geothermal energy extraction; or j) a battery connected to a section of the electricity distribution network operating with a nominal voltage not exceeding 66,000 volts.	Water retarding basin	Utility installation
Mooring pole			Marina
Motel	Land used to provide accommodation in serviced rooms for persons away from their normal		Residential hotel

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	place of residence, and where provision is made for parking guests' vehicles convenient to the rooms.		
Motor racing track	Land used to race, rally, scramble, or test, vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports. It may include training.		Leisure and recreation
Motor repairs	Land used to repair or service motor vehicles, and includes the fitting of accessories.	Panel beating	Service industry
Motor vehicle, boat, or caravan sales	Land used to sell or hire motor vehicles, boats, or caravans. It may include the minor repair or servicing of motor vehicles, boats, or caravans, and the sale or fitting of accessories.	Car sales	Retail premises
Museum	Land used to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.		Exhibition centre
Natural systems	Land in substantially its natural state which is used to maintain ecological systems, or to preserve an area of historic, scientific, aesthetic, or cultural significance.		
Nightclub	A building used to provide entertainment and dancing. It may include the provision of food and drink for consumption on the premises. It does not include the sale of packaged liquor, or gaming.		Place of assembly
Office	Land used for administration, or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale, or hire may be stored on the land. Other than electoral office and medical centre, it does not include any other defined use.	Bank Electoral office Electorate office Medical centre Real estate agency Travel agency	
Open sports ground	Land used for organised games of sport, but which is available for informal outdoor leisure or recreation when not being used or		Minor sports and recreation facility

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	prepared for an organised game. It may include lights, change rooms, pavilions, and shelters.		
Outdoor recreation facility	Land used for outdoor leisure, recreation, or sport. It does not include an Open sports ground or Informal outdoor recreation.	Amusement park Golf course Golf driving range Paintball games facility Zoo	Minor sports and recreation facility
Paintball games facility			Outdoor recreation facility
Panel beating	Land used to repair or replace damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting.		Motor repairs
Party supplies			Restricted retail premises
Petroleum exploration	Land used for petroleum exploration as defined in the Petroleum Act 1998.		Earth and energy resources industry
Petroleum production	Land used for petroleum production as defined in the Petroleum Act 1998.		Earth and energy resources industry
Pier			Marina
Pig farm	Land used to keep or breed pigs.		Animal production
Place of assembly	Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings.	Amusement parlour Carnival Cinema Cinema-based entertainment facility Circus Drive-in theatre Exhibition centre Function centre Hall Library Nightclub Place of worship	

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
		Restricted place of assembly	
Place of worship	Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple.		Place of assembly
Plant nursery	Land used to propagate, grow, and sell plants. It may include the sale of gardening equipment and horticultural products.		Landscape gardening supplies
Pontoon			Marina
Postal agency			Retail premises
Poultry farm	Land used to keep or breed poultry.	Broiler farm	Animal production
Poultry hatchery	Land used to incubate and hatch poultry eggs.		Animal production
Primary produce sales	Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.		Retail premises
Primary school			Education centre
Race course			Major sports and recreation facility
Racing dog husbandry	Land used to keep, breed, board or train racing dogs.	Racing dog training	Animal husbandry
Racing dog training			Racing dog husbandry
Railway station	Land used to assemble and distribute goods and passengers and includes facilities to park and manoeuvre vehicles. It may include the selling of food, drinks and other convenience goods and services.		Transport terminal
Real estate agency			Office
Reception centre			Function centre
Recreational boat facility	Land used to provide facilities for boats operated primarily for pleasure or recreation, including boats operated commercially for pleasure or recreation.	Boat launching facility Marina	

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
Refuse disposal	Land used to dispose of refuse, by landfill, incineration, or other means.		Industry
Renewable energy facility	<p>Land used to generate energy using resources that can be rapidly replaced by an ongoing natural process. Renewable energy resources include the sun, wind, the ocean, water flows, organic matter and the earth's heat.</p> <p>It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource.</p> <p>It does not include a renewable energy facility principally used to supply energy for an existing use of the land.</p>	<p>Wind energy facility</p> <p>Solar energy facility</p>	Energy generation facility
Research and development centre	Land used to develop or test electronic technology, biotechnology, or any other scientific discipline. It may include administration, promotion, conference, display, laboratory, assembly, and manufacturing areas.		Industry
Research centre	Land used only for scientific research.		
Reservoir	A natural or artificial lake used as a source of water supply that is owned or managed by a public authority.		Utility installation
Residential aged care facility	Land used to provide accommodation and personal or nursing care for the aged. It may include recreational, health or laundry facilities and services for residents of the facility.		Accommodation
Residential building	Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dwelling, group accommodation, host farm, residential village, retirement village or small second dwelling.	<p>Community care accommodation</p> <p>Residential hotel</p> <p>Rooming house</p> <p>Rural worker accommodation</p>	Accommodation
Residential hotel	Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least	Motel	Residential building

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.		
Residential village	Land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village.		Accommodation
Restaurant	Land used to prepare and sell food and drink, for consumption on the premises. It may include:  a) entertainment and dancing; and  b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.  It does not include the sale of packaged liquor.		Food and drink premises
Restricted place of assembly	Land used by members of a club or group, or by members' guests, for religious, spiritual or cultural activities, entertainment, or meetings. It may include food and drink for consumption on the premises, and gaming.		Place of assembly
Restricted recreation facility	Land used by members of a club or group for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming. It may also include use by members' guests, or by the public on payment of a fee.		Minor sports and recreation facility
Restricted retail premises	Land used to sell or hire:  a) automotive parts and accessories;  b) camping, outdoor and recreation goods  c) electric light fittings;	Equestrian supplies  Party supplies	Shop

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	<p>d) animal supplies including equestrian and pet goods;</p> <p>e) floor and window coverings;</p> <p>f) furniture, bedding, furnishings, fabric and manchester and homewares;</p> <p>g) household appliances, household electrical goods and home entertainment goods;</p> <p>h) party supplies;</p> <p>i) swimming pools;</p> <p>j) office equipment and supplies;</p> <p>k) baby and children's goods, children's play equipment and accessories;</p> <p>l) sporting, cycling, leisure, fitness goods and accessories; or</p> <p>m) goods and accessories which:</p> <ul style="list-style-type: none"> <li>▪ Require a large area for handling, display and storage of goods; or</li> <li>▪ Require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire.</li> </ul> <p>It does not include the sale of food, clothing and footwear unless ancillary to the primary use.</p>		
Retail premises	<p>Land used to:</p> <p>a) sell goods by retail, or by retail and wholesale;</p> <p>b) sell services; or</p> <p>c) hire goods.</p>	<p>Food and drink premises</p> <p>Gambling premises</p> <p>Landscape gardening supplies</p> <p>Manufacturing sales</p> <p>Market</p> <p>Motor vehicle, boat, or caravan sales</p> <p>Postal agency</p> <p>Primary produce sales</p> <p>Shop</p> <p>Trade supplies</p>	



## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
Retirement village	Land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for residents of the village.		Accommodation
Rice growing			Crop raising
Road freight terminal			Transport terminal
Rooming house	Land used for a rooming house as defined in the Residential Tenancies Act 1997.		Residential building
Rural industry	Land used to: a) handle, treat, process, or pack agricultural produce; b) service or repair plant, or equipment, used in agriculture; or c) manufacture mud bricks.	Abattoir Sawmill	Industry
Rural store	Land used to store unprocessed agricultural produce, or products used in agriculture.		Store
Rural worker accommodation	Land used to accommodate a person engaged in agricultural production, away from their normal place of residence.		Residential building
Saleyard	Land used to hold, sell, and buy farm animals.		
Sawmill	Land used to handle, cut, and process timber from logs.		Rural industry
Secondary school			Education centre
Service industry	Land used to launder, repair, service or wash articles, machinery, or vehicles.	Car wash Dry cleaner Motor repairs	Industry
Service station	Land used to sell motor vehicle fuel from bowzers or charge electric vehicles. It may include the: a) selling of motor vehicle lubricants, accessories or parts; b) selling of food, drinks and other convenience goods; c) hiring of trailers;		

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	<p>d) servicing or washing of motor vehicles; and</p> <p>e) installing of motor vehicle accessories or parts.</p>		
Sex services premises	<p>Land used to sell services involving the use or display of the body of the person providing the service for the sexual arousal or sexual gratification of another person while they are present on the land.</p> <p>It does not include:</p> <ul style="list-style-type: none"> <li>▪ Live entertainment performed for an audience, by a person performing an act of an explicit sexual nature, such as lap dancing, nude dancing and striptease.</li> <li>▪ Sexual activities engaged in by two or more people required to pay an admission fee or charge to enter the premises on the same terms and who do not receive any form of payment or reward, whether directly or indirectly, for engaging in the sexual activities.</li> </ul>		Shop
Shipping container storage	Land used to store shipping containers. It may include the cleaning, repair, servicing, painting or fumigation of the shipping containers.		Store
Shop	<p>Land used to sell goods or services, or to hire goods. It includes:</p> <ul style="list-style-type: none"> <li>▪ the selling of bread, pastries, cakes or other products baked on the premises;</li> <li>▪ demonstrations of products including music performances in shops selling recorded music.</li> </ul> <p>It does not include:</p> <ul style="list-style-type: none"> <li>▪ food and drink premises;</li> <li>▪ gambling premises;</li> <li>▪ landscape gardening supplies;</li> <li>▪ manufacturing sales;</li> <li>▪ market;</li> </ul>	<p>Adult sex product shop</p> <p>Beauty salon</p> <p>Bottle shop</p> <p>Convenience shop</p> <p>Dry cleaning agent</p> <p>Department store</p> <p>Hairdresser</p> <p>Laundromat</p> <p>Restricted retail premises</p> <p>Sex services premises</p>	Retail premises

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	<ul style="list-style-type: none"> <li>▪ motor vehicle, boat, or caravan sales;</li> <li>▪ postal agency;</li> <li>▪ primary produce sales; or</li> <li>▪ trade supplies.</li> </ul>	Supermarket	
Sign			
Slipway			Boat launching facility
Small second dwelling	<p>A building with a gross floor area of 60 square metres or less, on the same lot as an existing dwelling and used as a self-contained residence, which must include:</p> <ul style="list-style-type: none"> <li>a) a kitchen sink;</li> <li>b) food preparation facilities;</li> <li>c) a bath or shower; and</li> <li>d) a toilet and wash basin.</li> </ul>		Accommodation
Solar energy facility	<p>Land used to generate electricity from solar energy using ground-mounted photovoltaic and thermal technology, where the primary role is to export power to the electricity network.</p> <p>It does not include the generation of electricity principally used for an existing use of land.</p>		Renewable energy facility
Solid fuel depot	Land used to sell solid fuel, such as briquettes, coal, and fire wood.		Fuel depot
Stone exploration	<p>Land used to search for stone, including:</p> <ul style="list-style-type: none"> <li>a) conducting geological, geophysical, and geochemical surveys;</li> <li>b) costeaning and bulk sampling;</li> <li>c) drilling; and</li> <li>d) taking samples for chemical, physical, or other testing.</li> </ul>		Earth and energy resources industry
Store	Land used to store goods, machinery, or vehicles.	<p>Boat and caravan storage</p> <p>Freezing and cool storage</p>	Warehouse

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
		Rural store Shipping container storage Vehicle store	
Supermarket			Shop
Take away food premises	Land used to prepare and sell food and drink for immediate consumption off the premises. It may include up to 10 seats available for consumption on the premises.		Food and drink premises
Telecommunications facility	Land used to accommodate any part of the infrastructure of a Telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network.		Utility installation
Tertiary institution			Education centre
Timber production	Land used to propagate, cultivate, manage and harvest timber.		Crop raising
Timber yard	Land used to sell sawn, dressed, and treated timber, wood fibre boards, and the like. It includes cutting the timber and boards to order, and selling hardware, paints, tools, and materials used in conjunction with the use and treatment of timber.		Trade supplies
Trade supplies	Land used to sell by both retail and wholesale, or to hire, materials, tools, equipment, machinery or other goods for use in: a) automotive repairs and servicing; b) building; c) commerce; d) industry; e) landscape gardening; f) the medical profession; g) primary production; or	Timber yard	Retail premises

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	h) local government, government departments or public institutions.		
Tramway	Land used to provide a system of transport in vehicles connected to a network of tracks, and includes tram stops and shelters, shunting areas and associated passenger facilities.		
Transfer station	Land used to collect, consolidate, temporarily store, sort or recover refuse, used or surplus materials before transfer for disposal, recycling or use elsewhere.	Automated collection point Container deposit scheme centre	Industry
Transport terminal	Land used to assemble and distribute goods or passengers. It includes facilities to park and manoeuvre vehicles. It does not include a Tramway.	Airport Bus terminal Heliport Railway station Road freight terminal Wharf	
Travel agency			Office
Utility installation	Land used: a) for telecommunications; b) to transmit or distribute gas or oil; c) to transmit, distribute or store power; d) to collect, treat, transmit, store, or distribute water; or e) to collect, treat, or dispose of storm or flood water, sewage, or sullage.  It includes any associated flow measurement device or a structure to gauge waterway flow.	Data centre Minor utility installation Reservoir Telecommunications facility	
Vehicle store	Land used to park or store vehicles in connection with a goods or passenger transport business.		Store
Veterinary centre	Land used to: a) diagnose animal diseases or disorders; b) surgically or medically treat animals; or c) prevent animal diseases or disorders.		

## MORNINGTON PENINSULA PLANNING SCHEME

Land use term	Definition	Includes	Included in
	It may include keeping the animals on the premises for treatment.		
Warehouse	Land used to store or display goods. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail. It does not include premises allowing in-person retail or display of goods for retail, or allowing persons to collect goods that have been purchased online.	Commercial display area Fuel depot Mail centre Milk depot Store	
Waste-to-energy facility	Land used for the combustion, treatment or bio-reaction of waste to produce energy for use off site. It includes the activities to collect, temporarily store, process, or transfer waste materials for energy production.		Energy generation facility
Water retarding basin	Land used to store storm or flood water on a temporary basis.		Minor utility installation
Wharf	Land used to provide facilities for ships, such as bulk and container ships, passenger ships, and defence force marine craft.		Transport terminal
Wind energy facility	Land used to generate electricity by wind force. It includes land used for:  a) any turbine, building or other structure or thing used in or in connection with the generation of electricity by wind force  b) an anemometer.  It does not include turbines principally used to supply electricity for domestic or rural use of the land.		Renewable energy facility
Winery	Land used to display, and sell by retail, vineyard products, in association with the growing of grape vines and the manufacture of the vineyard products. It may include the preparation and sale of food and drink for consumption on the premises.		
Zoo			Outdoor recreation facility

## MORNINGTON PENINSULA PLANNING SCHEME

## 73.04

08/08/2019  
VC159

## NESTING DIAGRAMS

The information in the table to Clause 73.03 is set out in the following diagrams as a means of indicating the nesting of land use terms.

The table to Clause 73.03 prevails if there is any inconsistency between the table and the diagrams or list.

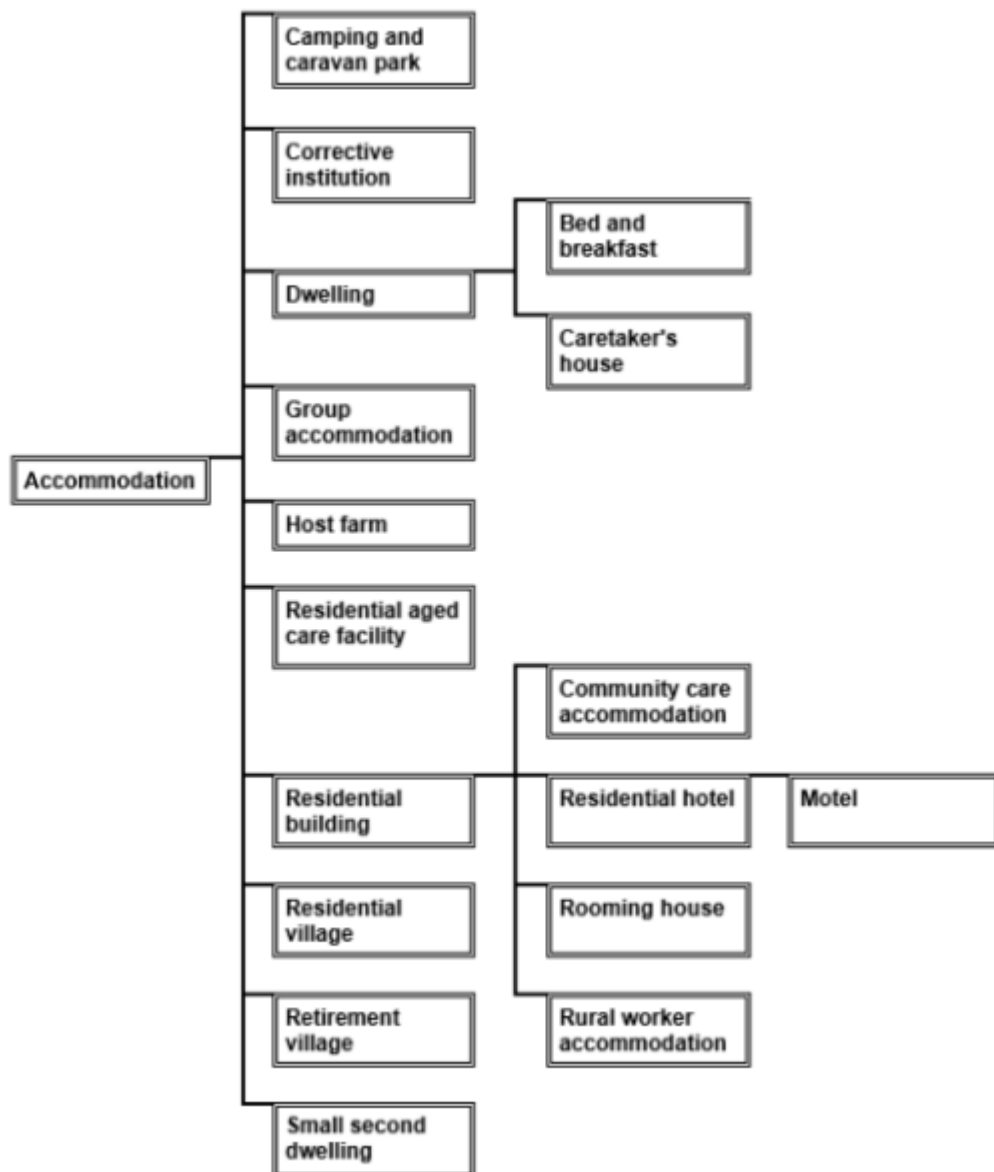
Land use terms that are not nested are listed at Clause 73.04-17.

Land use terms in bold font are defined in Clause 73.03.

## 73.04-1

14/12/2023  
VC253

## Accommodation group

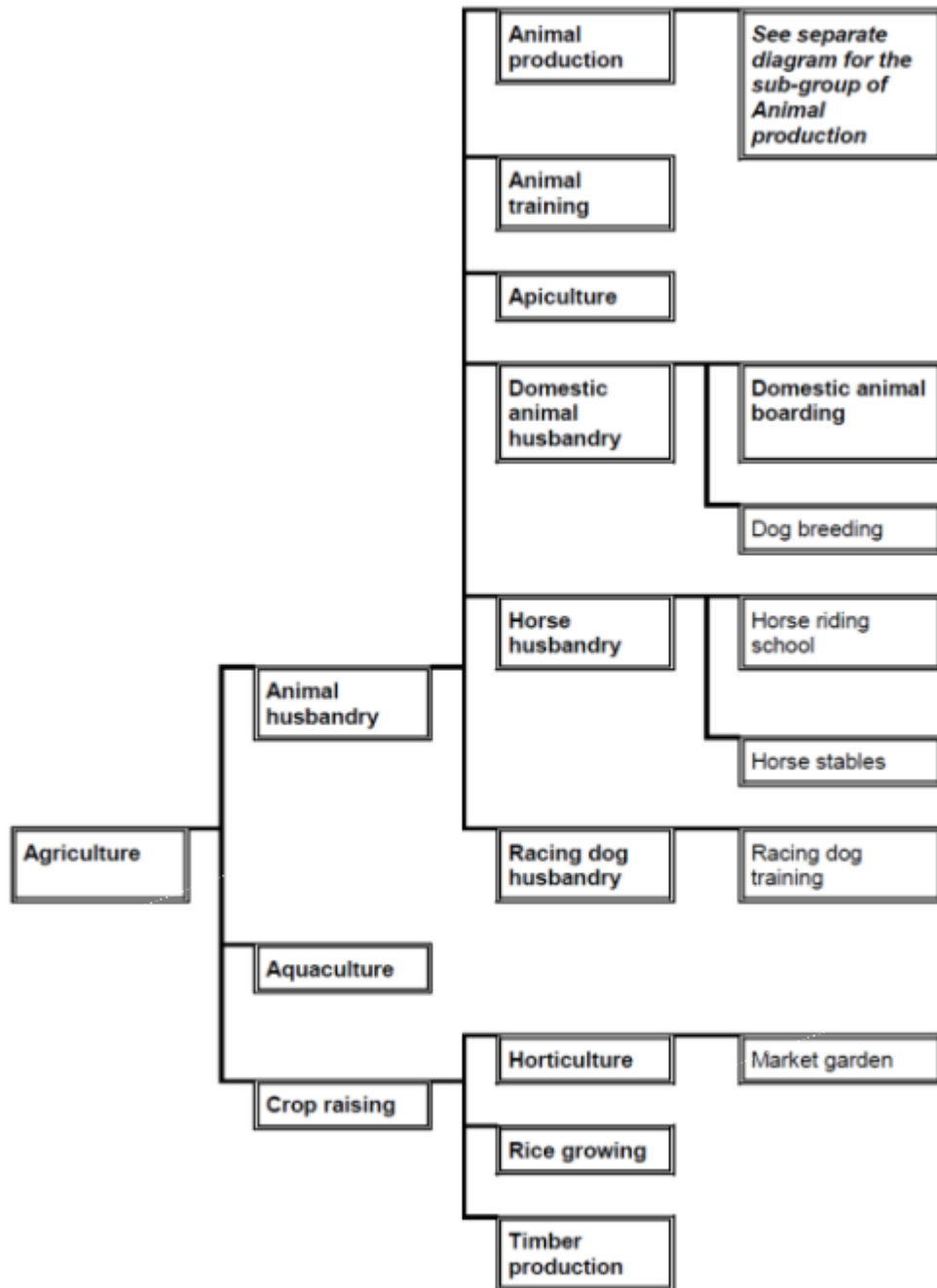


MORNINGTON PENINSULA PLANNING SCHEME

73.04-2

08/08/2019  
VC159

Agriculture group



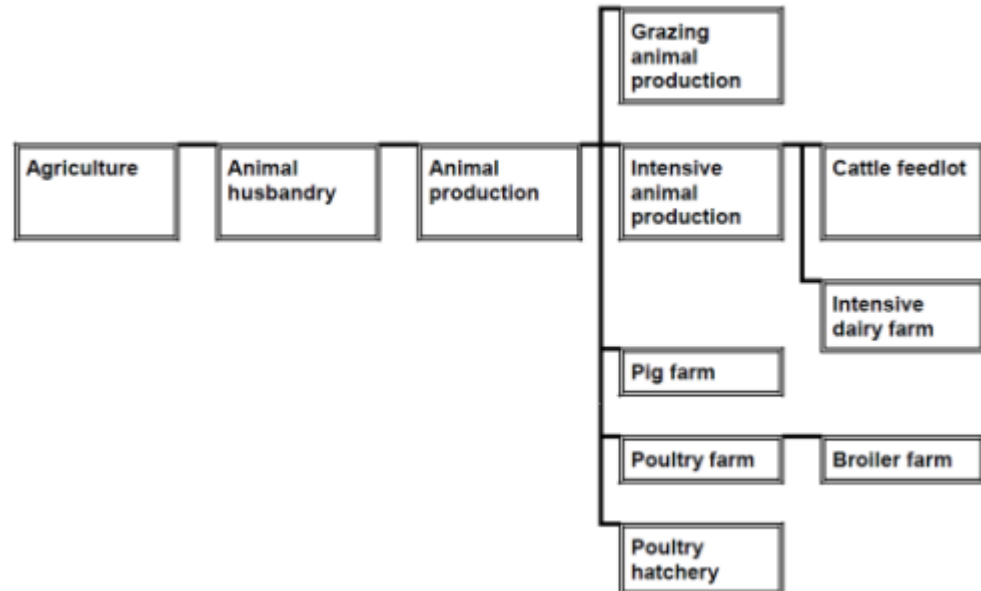


MORNINGTON PENINSULA PLANNING SCHEME

73.04-3

24/01/2020  
VC160

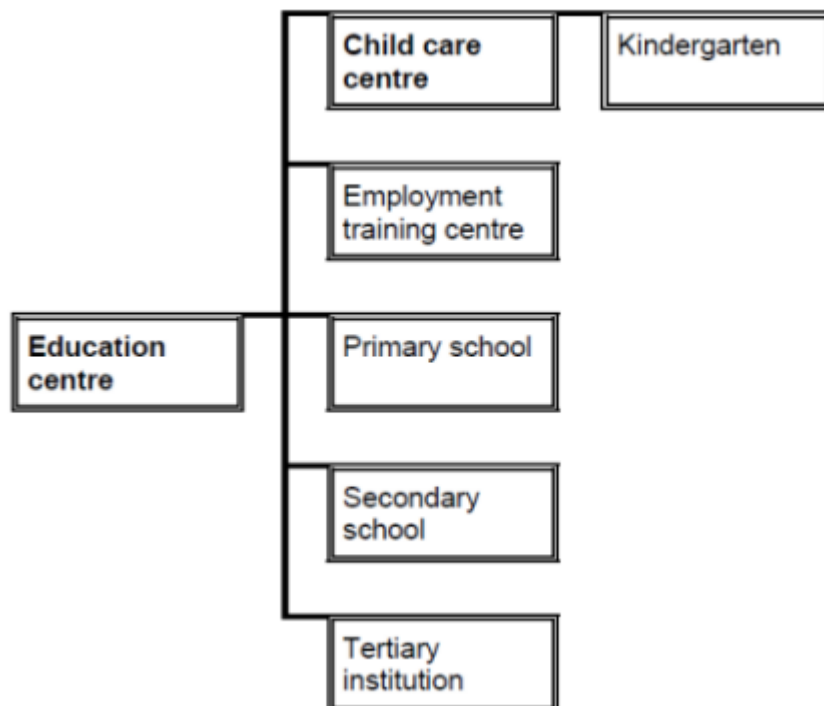
Agriculture group (sub-group of Animal production)



73.04-4

24/01/2020  
VC160

Education centre group

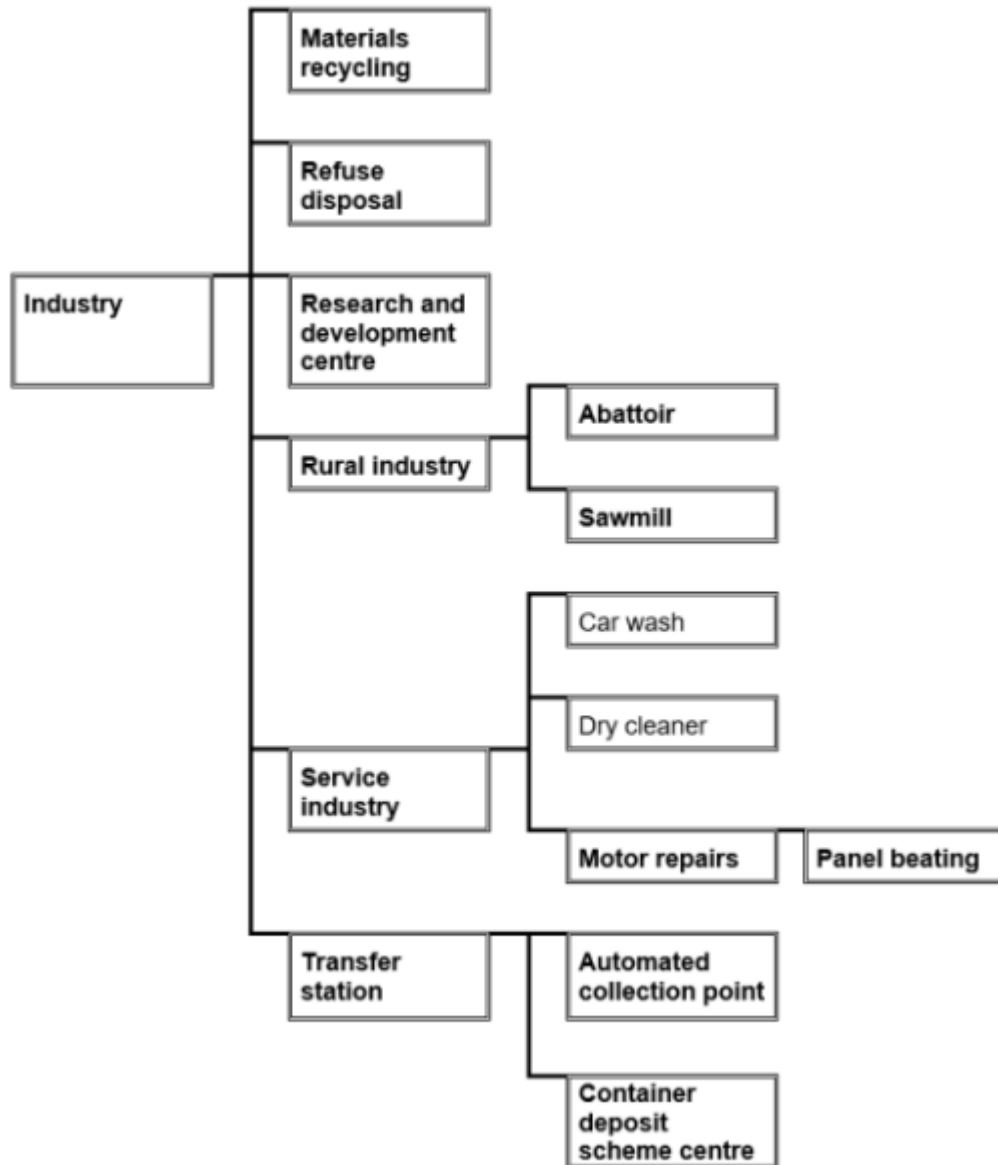


## MORNINGTON PENINSULA PLANNING SCHEME

73.04-5

26/09/2023  
VC246

Industry group

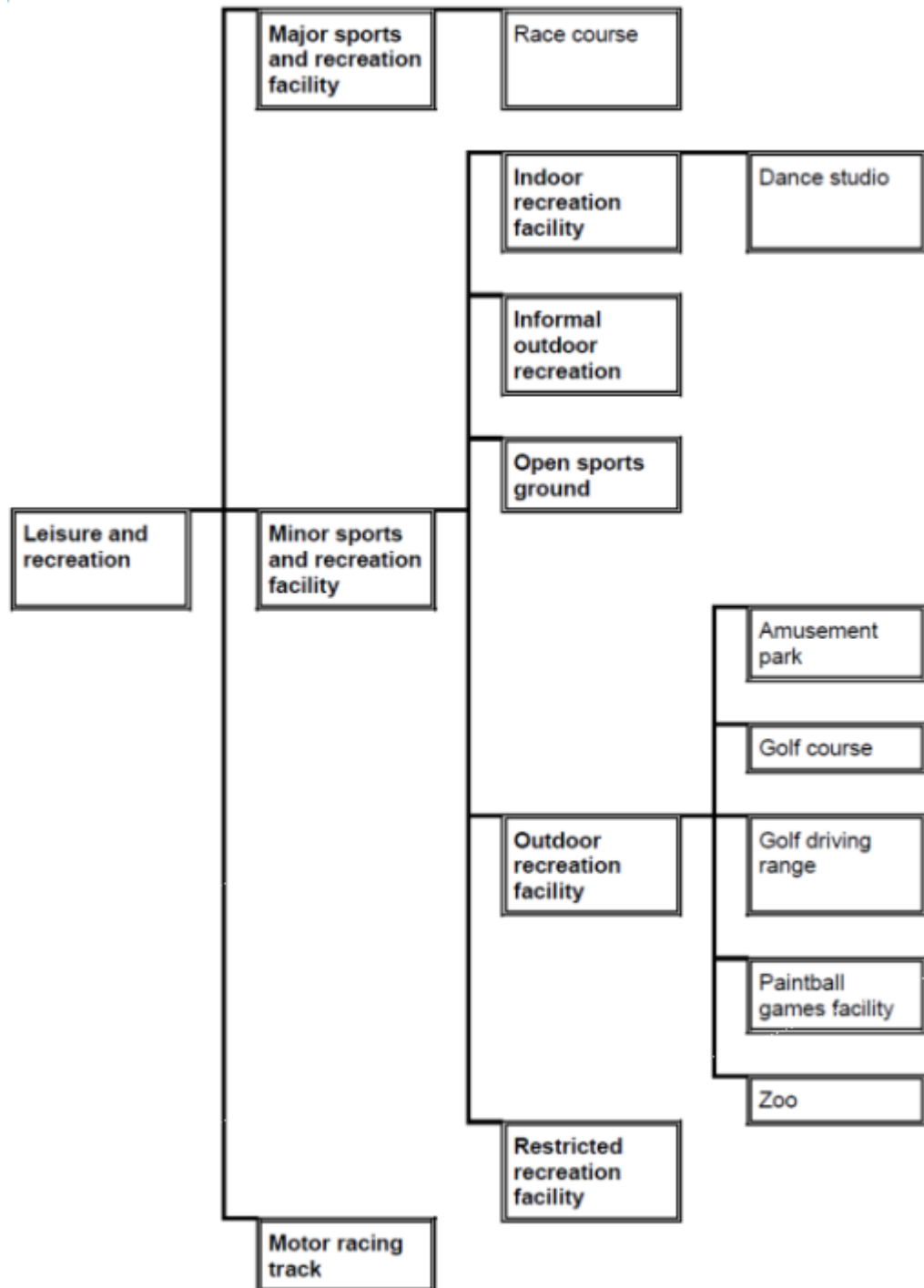


## MORNINGTON PENINSULA PLANNING SCHEME

73.04-6

16/08/2019  
VC163

Leisure and recreation group

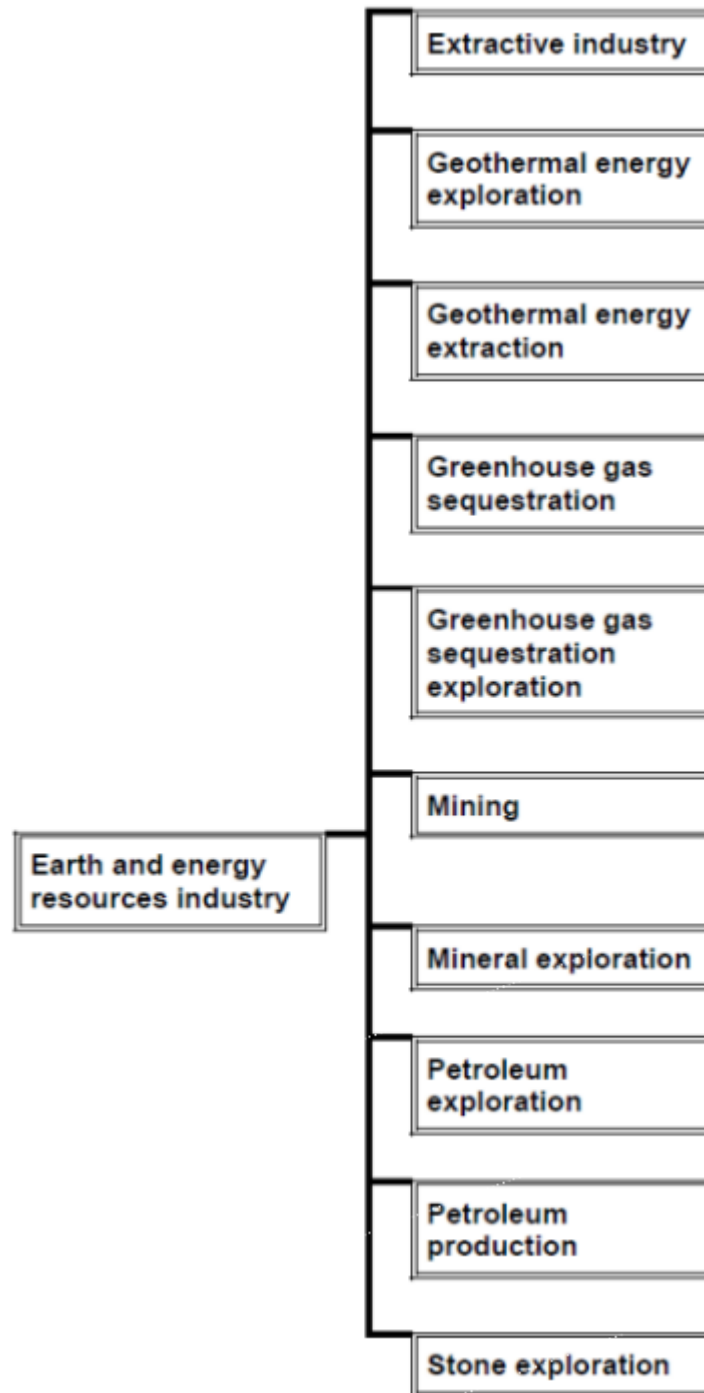


## MORNINGTON PENINSULA PLANNING SCHEME

73.04-7

24/01/2020  
VC160

Earth and energy resources group

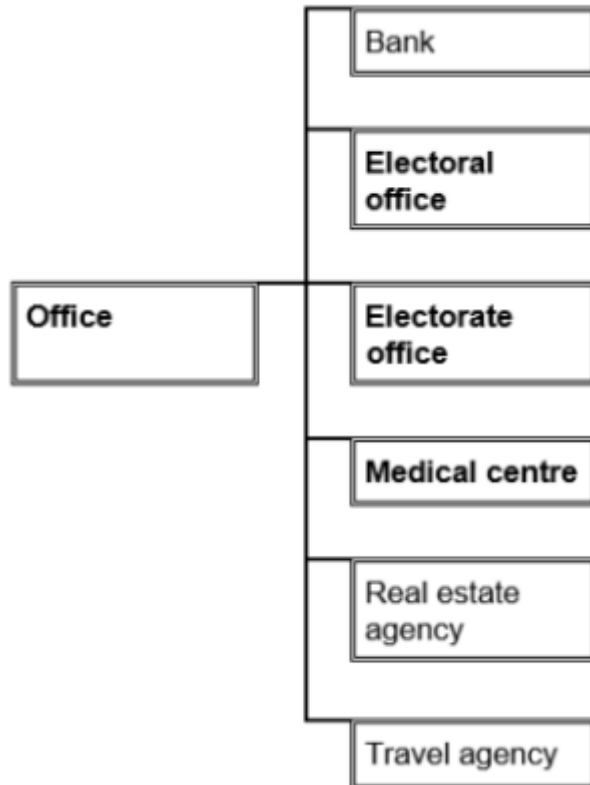


MORNINGTON PENINSULA PLANNING SCHEME

73.04-8

28/10/2022  
VC224

Office group

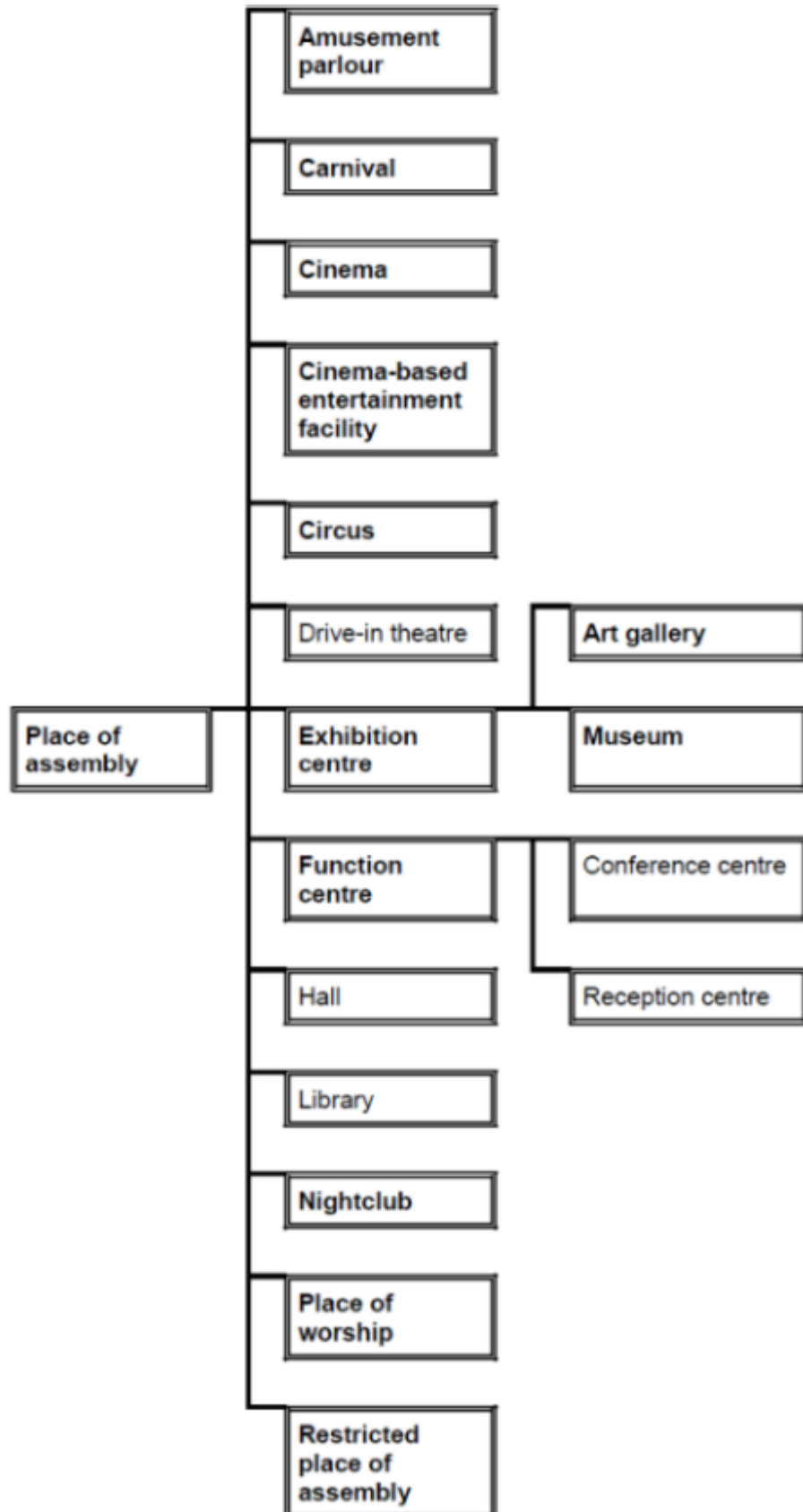


## MORNINGTON PENINSULA PLANNING SCHEME

73.04-9

16/08/2019  
VC163

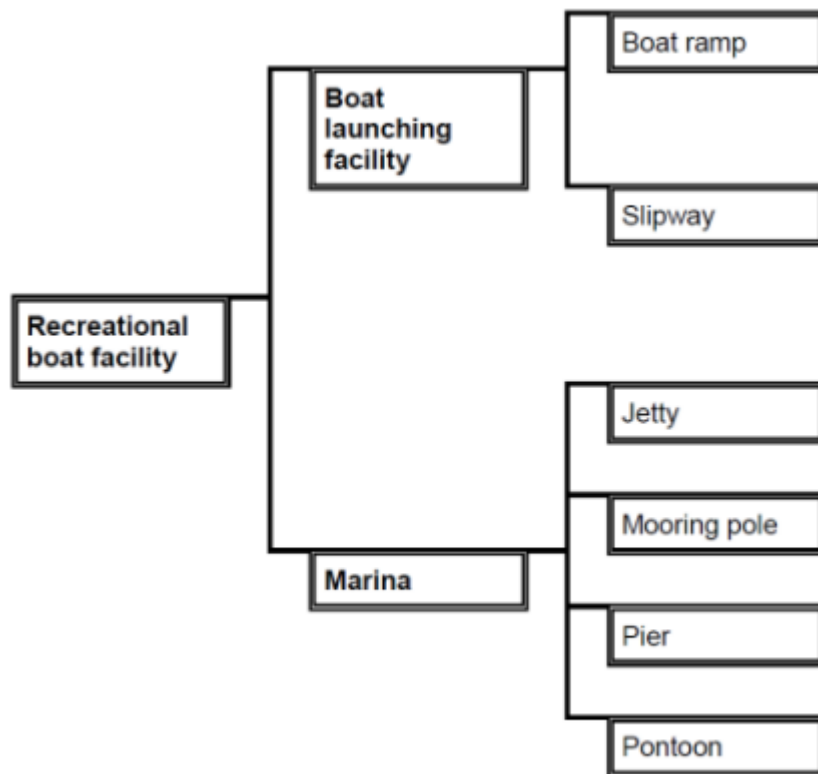
Place of assembly group



MORNINGTON PENINSULA PLANNING SCHEME

73.04-10  
24/01/2020  
VC160

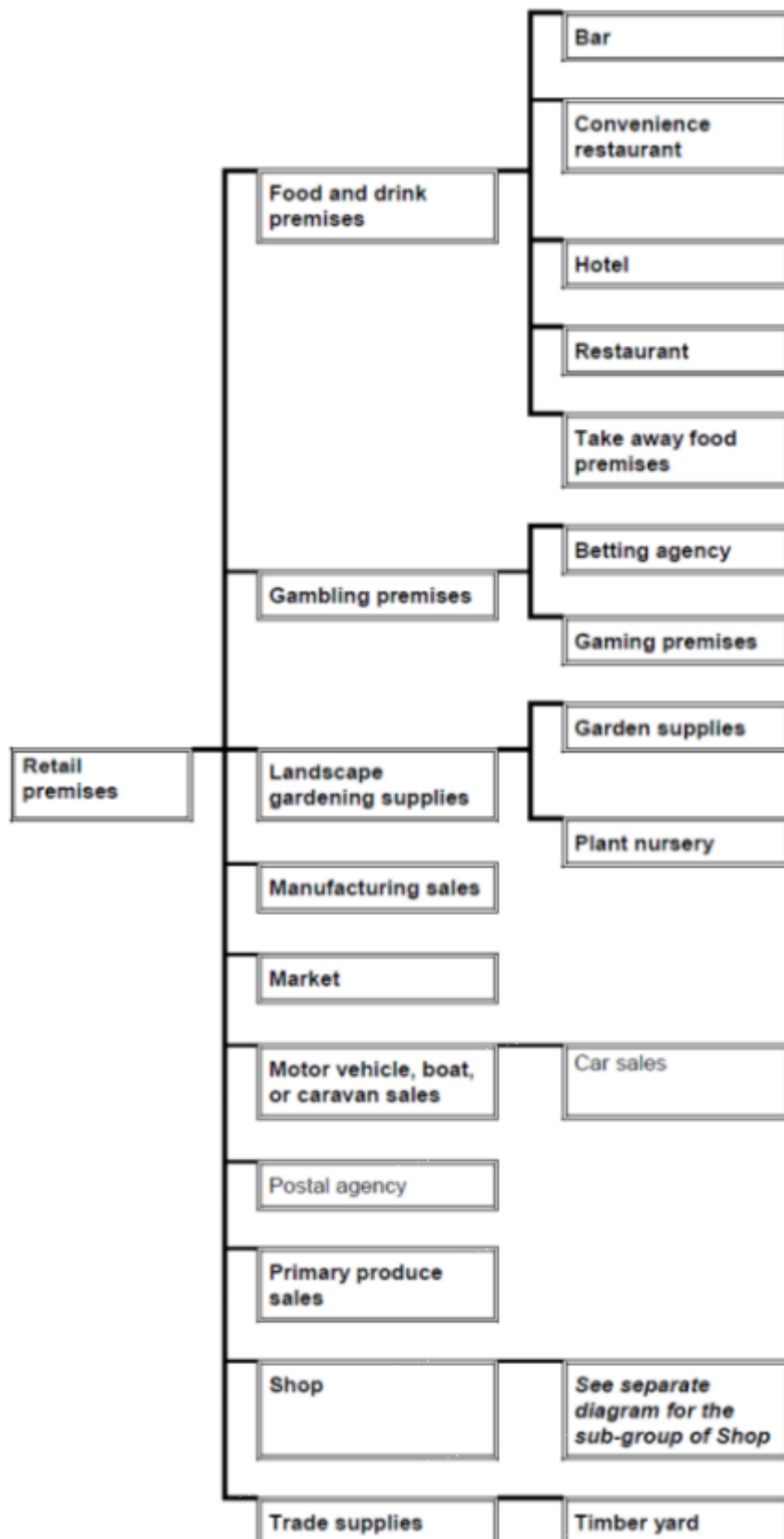
Recreational boat facility group



MORNINGTON PENINSULA PLANNING SCHEME

73.04-11  
16/08/2019  
VC163

Retail premises group

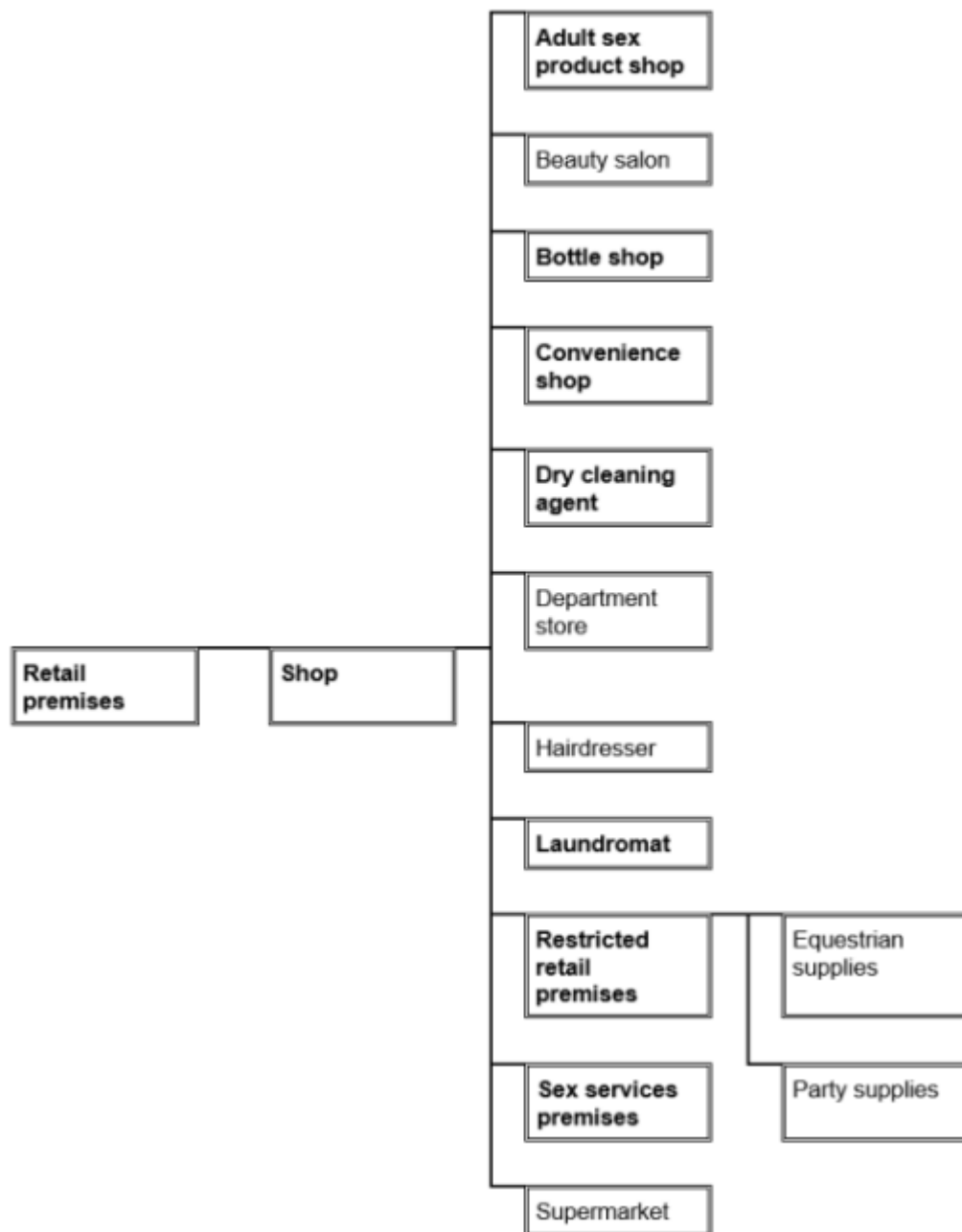




MORNINGTON PENINSULA PLANNING SCHEME

73.04-12      Retail premises group (sub-group of Shop)

01/12/2023  
VC217

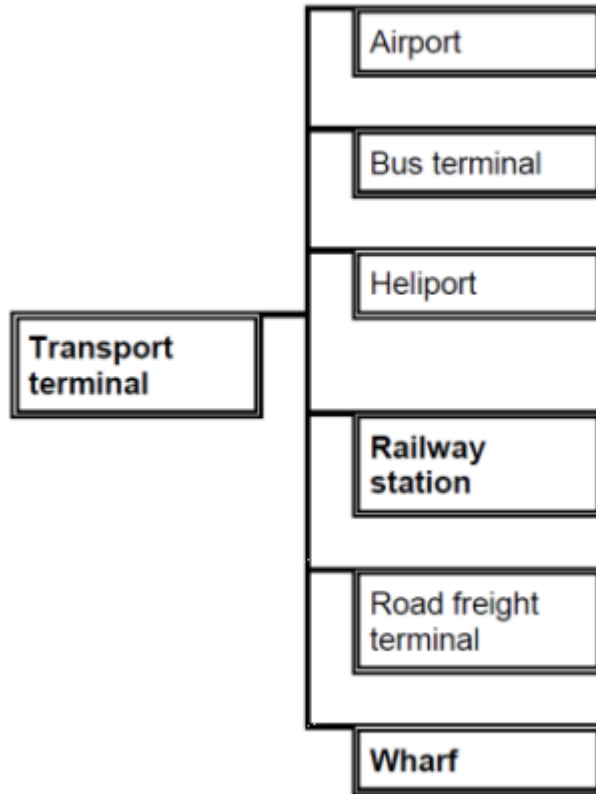


MORNINGTON PENINSULA PLANNING SCHEME

73.04-13

24/01/2020  
VC160

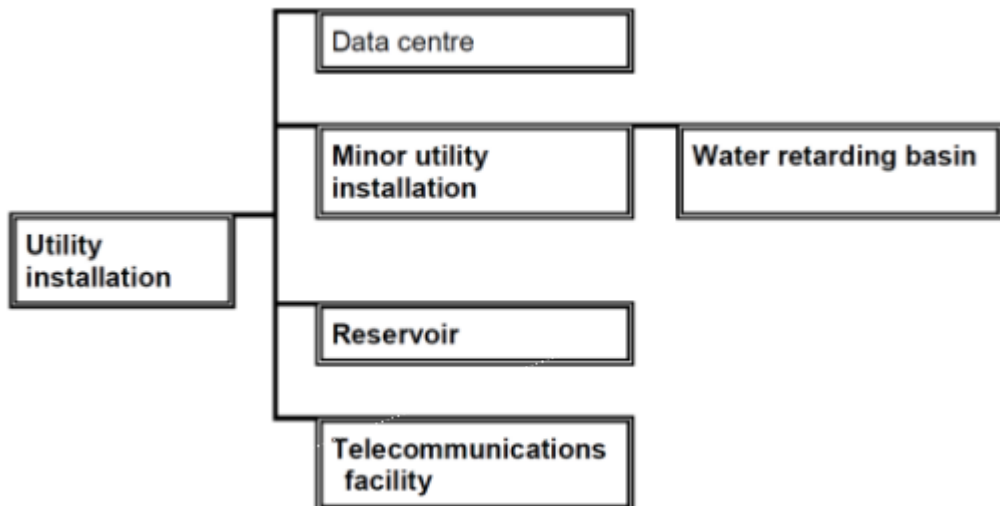
Transport terminal group



73.04-14

08/08/2019  
VC159

Utility installation group

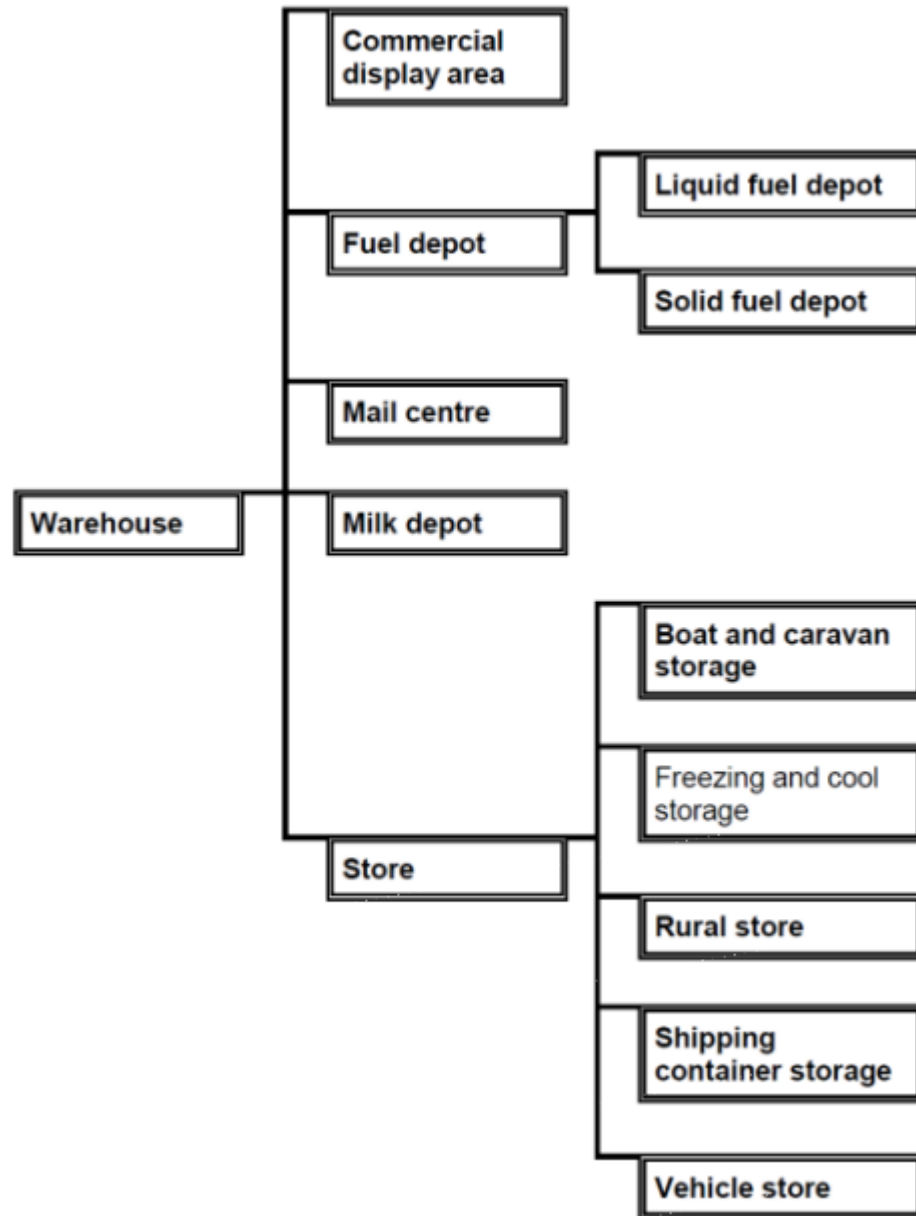


MORNINGTON PENINSULA PLANNING SCHEME

73.04-15

24/01/2020  
VC160

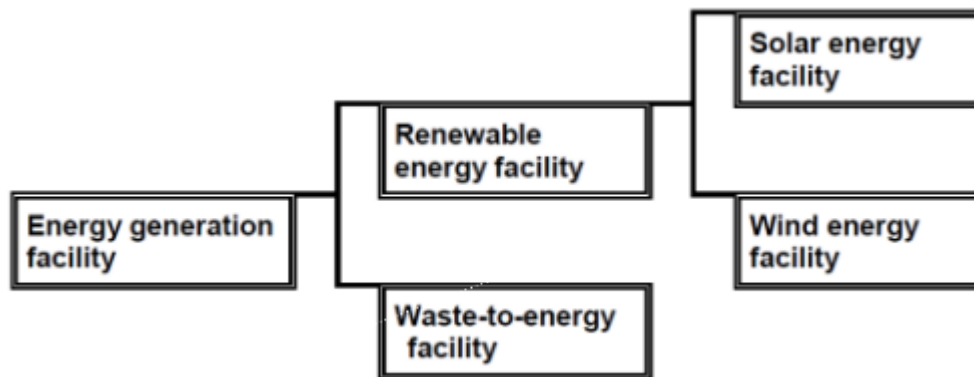
Warehouse group



MORNINGTON PENINSULA PLANNING SCHEME

73.04-16  
24/01/2020  
VC160

Energy Group



## MORNINGTON PENINSULA PLANNING SCHEME

73.04-17

01/12/2023  
VC217

### Land use terms that are not nested

Art and craft centre  
Car park  
Cemetery  
Crematorium  
Display home centre  
Emergency services facility  
Freeway service centre  
Funeral parlour  
Helicopter landing site  
Home based business  
Hospital  
Interpretation centre  
Natural systems  
Research centre  
Saleyard  
Service station  
Sign  
Tramway  
Veterinary centre  
Winery

MORNINGTON PENINSULA PLANNING SCHEME

74

31/07/2018  
VC148

STRATEGIC IMPLEMENTATION

## MORNINGTON PENINSULA PLANNING SCHEME

74.01

31/07/2018  
VC148

## APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

The ~~scheduled~~ to this clause must include a general explanation of the relationship between the Municipal Planning Strategy the objectives and strategies in Clauses 10 to 19 and the controls on the use and development of land in this planning scheme.

A planning authority must take into account the ~~scheduled~~ to this clause when it prepares an amendment to this planning scheme.

A responsible authority must not take into account the ~~scheduled~~ to this clause when it makes a decision under this planning scheme.

## MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C279morn

## SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

## 1.0

04/05/2022  
VC210

## Application of zones, overlays and provisions

This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

- Apply the Low Density Residential Zone to appropriate areas to provide low-density and rural residential lots.
- Apply the General Residential Zone or Neighbourhood Residential Zone to areas set aside for future residential development.
- Apply the General Residential Zone or Neighbourhood Residential Zone to areas where new developments should respect particular locational, environmental, infrastructure or landscape factors and consider the limited capacity of these areas to absorb further development.
- Apply the Commercial 1 Zone to areas generally adjacent to the main retail precincts in activity centres, where non-retail commercial developments appropriate.
- Apply the Commercial 1 Zone to identify retail areas in activity centres.
- Apply the Commercial 1 Zone and Commercial 2 Zone to facilitate expansion of Major Activity Centres and Large Township Activity Centres to meet the needs of a growing population.
- Apply the Commercial 1 Zone, Development Plan Overlay and Design and Development Overlay to give effect to land use, urban design and integrated transport outcomes envisaged in structure plans for activity centres.
- Apply the Commercial 2 Zone to provide for clusters of restricted retail premises on the edge of townships with Major Activity Centres.
- Apply the Green Wedge Zone or Farming Zone to encourage an integrated approach to land management and the protection and enhancement of biodiversity.
- Apply the Green Wedge Zone or Farming Zone to provide flexibility in the use of rural land for recreational purposes that are consistent with landscape character, environmental management and long-term agricultural use in the area.
- Apply the Green Wedge Zone or Farming Zone to provide for the sustainable use of rural land, primarily extensive animal husbandry and crop raising.
- Apply the Green Wedge Zone or Farming Zone to require planning approval of substantial timber production proposals that may adversely affect landscape values.
- Apply the Green Wedge Zone or Farming Zone to specify a minimum subdivision requirement that is consistent with an assessment of the ability of the landscape to absorb further development without detriment.
- Apply the Green Wedge Zone or Farming Zone to specify a required minimum lot size, based on land unit analysis, that will facilitate maintaining the existing pattern of rural land use and is compatible with the ability of the environment and landscape to absorb use and development without detriment.
- Apply the Green Wedge Zone, Farming Zone or Low Density Residential Zone to maintain a separation between townships and areas identified for future port-related activity.
- Apply the Public Use Zone to sites containing public facilities and infrastructure to ensure that land use is consistent with the intended public purpose and to protect public investment in major infrastructure.
- Apply the Public Park and Recreation Zone to areas of Port Phillip Bay to assist in facilitating appropriate development.



## MORNINGTON PENINSULA PLANNING SCHEME

- Apply the Public Park and Recreation Zone to intensively-utilised public land, such as sections of the Port Phillip Bay foreshore.
- Apply the Public Park and Recreation Zone to manage recreation areas capable of supporting great numbers of visitors and providing facilities for active sport and recreational uses.
- Apply the Public Conservation and Resource Zone to coastal areas of Western Port Bay, Bass Strait and Port Phillip Bay that form part of a national park or conservation reserve.
- Apply the Public Conservation and Resource Zone to manage the use of major public reserves of substantial conservation value, in conjunction with sustainable levels of recreational activity.
- Apply the Public Conservation and Resource Zone to protect coastal areas and other public land with high environmental value and limited capacity to absorb development.
- Apply the Transport Zone 2 or Transport Zone 3 to identify major roads where control over new access points is required.
- Apply the Transport Zone 2 or Transport Zone 3 to major roads as a means of managing future access and protecting public investment in major infrastructure.
- Apply the Special Use Zone to:
  - Areas identified for port-related development.
  - Land adjacent to Tyabb Airfield.
  - Areas with site-specific recreational development that combine housing with the recreational uses.
  - Recreation or institutional uses where no clear alternative zoning can be identified.
  - Privately-owned planned open spaces and throughways in the Ranelagh Estate Mount Eliza.
- Apply the Special Use Zone Schedule 1 (Port-Related Uses) to identify land adjacent to Western Port Bay that may be utilised for port-related activity provided that high environmental standards are met.
- Apply the Special Use Zone Schedule 1 (Port-Related Uses) to facilitate strategic development and sustainable use of land adjacent to Western Port Bay for port-related purposes.
- Apply the Special Use Zone Schedule 1 (Port-Related Uses) to provide specific provisions for the strategic development and sustainable use of land for port-related purposes and to reinforce the requirement for environmental assessment of use and development proposals.
- Apply the Comprehensive Development Zone to incorporate integrated tourist developments, where there is an overriding recreation or tourist need of State significance.
- Apply the Environmental Significance Overlay to coastal areas subject to erosion.
- Apply the Environmental Significance Overlay to Crown land on the foreshore reserves along Port Phillip Bay, extending 600 metres seaward to facilitate appropriate coastal management and coordination.
- Apply the Environmental Significance Overlay to give effect to land unit classifications and support integrated environmental management.
- Apply the Environmental Significance Overlay to identify potential environmental constraints and to require land capability assessment of proposed development where appropriate.
- Apply the Environmental Significance Overlay and Vegetation Protection Overlay to identify significant features and maintain environmental values within township areas.
- Apply the Environmental Significance Overlay, Vegetation Protection Overlay and Significant Landscape Overlay to protect areas of particular environmental and landscape value.

## MORNINGTON PENINSULA PLANNING SCHEME

- Apply the Environmental Significance Overlay, Vegetation Protection Overlay and Erosion Management Overlay to identify and implement management requirements in relation to specific environmental issues such as streamlines, wetlands areas of native vegetation and erosion-prone areas.
- Apply the Vegetation Protection Overlay to residential and adjacent foreshore reserves to support the retention of native vegetation.
- Apply the Significant Landscape Overlay to identify areas of particular landscape sensitivity and to require landscape impact assessments as part of development applications.
- Apply the Significant Landscape Overlay to protect coastal landscapes, including areas classified by the National Trust and scenic roads in coastal areas.
- Apply the Design and Development Overlay to areas where environmental landscape and infrastructure factors require more detailed consideration to maintain local area character.
- Apply the Design and Development Overlay to facilitate a density of development that is consistent with maintaining the character and environmental values of specific areas while having regard to the cumulative impacts of higher-density infill and site redevelopment within established areas.
- Apply the Design and Development Overlay to residential and adjacent foreshore reserves to ensure a consistent approach to building heights and setbacks on land near the coast.
- Apply the Development Plan Overlay to 1A & 1B Jetty Road, Rosebudo provide for a mixed use development comprising basement parking, restaurant(s)/café(s) at ground level and medium-density residential development at upper level(s).
- Apply the Development Plan Overlay to 23 – 25 Rosebud Parade Rosebudo provide for a retirement village.
- Apply the Development Plan Overlay to require the approval of a development plan for the Mornington Industrial Area adjacent to Nepean Highway.
- Apply the Development Plan Overlay to the Park Road area of Mount Martha to ensure a more site-responsive design of the existing subdivision.
- Apply the Erosion Management Overlay to identify areas of slope instability or land degradation within township areas.
- Apply the Floodway Overlay and Land Subject to Inundation Overlay to flood prone and along waterways within township areas.
- Apply the Land Subject to Inundation Overlay and other relevant planning provisions to coastal areas and waterways identified as being vulnerable to hazards associated with coastal erosion, flooding, sea level rise and storm surge.
- Apply the Restructure Overlay to old and inappropriate subdivision in areas such as the Bass Straits side of Rye, St Andrews Beach, Crib Point, Bittern, Arthurs Seat and Merricks, to reduce the environmental impacts of dwellings and other development.
- Apply the Restructure Overlay to consolidate old and inappropriate subdivision in Crib Point for the purpose of port-related development.
- Apply the Restructure Overlay to provide for the consolidation of old and inappropriate subdivisions in Crib Point into appropriate lot sizes for new service industry.
- Apply the Parking Overlay to manage car parking provision in the core commercial areas of the Hastings, Mornington and Rosebud Major Activity Centres.

## MORNINGTON PENINSULA PLANNING SCHEME

74.02

31/07/2018  
VC148

## FURTHER STRATEGIC WORK

The ~~schedule to this clause~~ may specify the planning authority's approach to further strategic work.

A planning authority may take into account the ~~schedule to this clause~~ when it prepares an amendment to this planning scheme.

The responsible authority must not take into account the ~~schedule to this clause~~ when it makes a decision under this planning scheme.

MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021  
C279morn

SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

1.0  
22/07/2021  
C279morn

Further strategic work

Nonespecified.